

## **Exhibit 4**

# **PLAINTIFF HARFORD COUNTY BOARD OF EDUCATION OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (HARFORD) (SD MSJ NO. 6)**

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-03065-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT )  
ADDICTION/PERSONAL INJURY ) MDL No.  
PRODUCTS LIABILITY LITIGATION ) 4:22-md-3047-YGR  
-----)

THIS DOCUMENT RELATES TO: )  
 )  
BOARD OF EDUCATION OF HARFORD )  
COUNTY V. META PLATFORMS INC., )  
ET AL. )  
 )  
CASE NO.: 4:23-CV-03065 )

30(b)(6) VIDEOTAPED DEPOSITION OF BOARD OF  
EDUCATION OF HARFORD COUNTY, BY AND THROUGH THEIR  
CORPORATE DESIGNEE, BERNARD HENNIGAN  
Harford County Public Schools Central  
Administration Building  
102 South Hickory Avenue,  
Bell Air, Maryland  
Wednesday, May 7, 2025, 9:01 a.m.

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(Appearance continued on next page.)

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1        EXHIBIT 8        2023-2024 Parent-Student        168  
2                            Handbook Calendar, Bates  
3                            HCPS\_00114511-545

4                    (Exhibit 3 was marked but clawed back by  
5        Mr. Byrd.)

6  
7                    (The agreed-upon redacted portions were  
8        removed from the transcript and bound under  
9        separate cover not to be produced pending  
10       resolution of dispute.)

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1 P R O C E E D I N G S

2 \* \* \*

3 THE VIDEOGRAPHER: We are now on the  
4 record.

5 My name is Bradley Loy. I am a  
6 videographer for Golkow, a Veritext division.

7 Today's date is May 7th, 2025. The  
8 time is 9:01.

9 This video deposition is being held in  
10 Bel Air, Maryland, in the matter of Social Media  
11 Adolescent Addiction/Personal Injury Products  
12 Litigation for the U.S. District Court, Northern  
13 District of California.

14 The deponent is Bernard Hennigan --  
15 Hennigan.

16 Counsel will be noted on the  
17 stenographic record.

18 The court reporter is Cindy Hayden and  
19 will now swear in the witness.

20 \* \* \*

21 BERNARD HENNIGAN,  
22 having been first duly sworn, was examined and  
23 testified as follows:

24 \* \* \*

25 EXAMINATION

1 BY MR. KEYES:

2 Q. Good morning, Mr. Hennigan. My name is  
3 Andrew Keyes. I'm an attorney with the law firm of  
4 Williams & Connolly, and we represent the Google  
5 and YouTube defendants in this case.

6 Would you please state your full name  
7 for the record?

8 A. Bernard Paul Hennigan.

9 THE REPORTER: I'm sorry.

10 THE WITNESS: Bernard Paul Hennigan.

11 BY MR. KEYES:

12 Q. What is your home address?

13 A. 1542 Swearingen Drive, Bel Air,  
14 Maryland 21014.

15 Q. What is your current work address?

16 A. 102 South Hickory Avenue, Bel Air,  
17 Maryland 21014.

18 Q. You are employed by Harford County  
19 Public Schools?

20 A. Yes.

21 Q. What is your current title?

22 A. Executive director of student support  
23 services.

24 Q. And how long have you been the  
25 executive director of student support services for



1 Harford County Public Schools?

2 A. Since January of 2017.

3 Q. Have you had other positions with  
4 Harford County Public Schools?

5 A. Well -- okay. Yes. Let me clarify.

6 January 2017 I came here as the  
7 director. And then that title was altered in  
8 April -- July 1st, 2019.

9 Q. Okay. So you were first --

10 A. Sorry. Yeah. There's, like, a little  
11 bit of a nuance change.

12 Q. Sure. You were first employed by  
13 Harford County Public Schools in January of 2017?

14 A. Correct.

15 Q. As the director of student support  
16 services?

17 A. Student services.

18 Q. Student services. And then in July of  
19 2019, you became the executive director of student  
20 support services?

21 A. Correct.

22 Q. Have you had any other positions with  
23 Harford County Public Schools?

24 A. No.

25 Q. Do you understand that you are under

1 oath today?

2 A. Yes.

3 Q. Do you understand that you are under  
4 oath and giving testimony as if you were in a  
5 courtroom before a judge and a jury?

6 A. Yes.

7 Q. And do you understand that you are  
8 testifying as a corporate representative of Harford  
9 County Public Schools on a number of listed topics?

10 A. Yes.

11 (HCPS MD HENNIGAN EXHIBIT 1,  
12 Defendants' Third Amended Notice of Oral and  
13 Videotaped Deposition of Bernard Hennigan; Request  
14 for Production of Documents, was marked for  
15 identification.)

16 BY MR. KEYES:

17 Q. I'm showing you what has been marked as  
18 HCPS Exhibit 1.

19 (HCPS MD HENNIGAN EXHIBIT 2,  
20 Defendants' Amended Supplemental Notice of Oral and  
21 Videotaped 30(b)(6) Deposition of Plaintiff Board  
22 of Education of Harford County, was marked for  
23 identification.)

24 BY MR. KEYES:

25 Q. And now I'm handing you what has been

1 marked as HCPS Exhibit 2.

2 Have you seen either of these notices  
3 before today?

4 A. Yes.

5 Q. Okay. Exhibit 1 is a notice for your  
6 deposition. And if you look at the first page,  
7 Lines 17 through 20 say that you will be the Board  
8 of Education of Harford County's designated  
9 corporate representative on a long list of topics  
10 that are set forth in a separate notice.

11 Do you see that?

12 A. Yes.

13 Q. The separate notice is Exhibit 2.

14 A. Okay.

15 Q. And if you turn to Page 7 of Exhibit 2,  
16 you'll see the list of topics.

17 A. Yes.

18 Q. So I just want to confirm that you are  
19 prepared to testify as Harford County Public  
20 Schools' corporate representative on the topics  
21 listed on Lines 18 and 19 of Exhibit 1.

22 A. Oh. Yes.

23 Q. Lines -- yeah. Yes?

24 A. Yeah.

25 Q. And you are prepared to testify on

1 those topics based on the information known to and  
2 reasonably available to Harford County Public  
3 Schools?

4 A. Yes.

5 Q. Okay. Did you do anything to prepare  
6 for today's deposition?

7 A. Yes.

8 Q. What did you do?

9 A. Had a series of meetings with outside  
10 legal counsel as well as our legal counsel.

11 Q. Did you do anything else to prepare?

12 A. No.

13 Q. You said you had a series of meetings.  
14 How many different meetings did you have with the  
15 lawyers to prepare for today's deposition?

16 A. Three, including today.

17 Q. Okay. So when was the first one?

18 A. Last week, I believe, Wednesday or  
19 Thursday.

20 Q. When was the second one?

21 A. Yesterday.

22 Q. And you said the third one was this  
23 morning?

24 A. Correct.

25 Q. In your first prep session with the

1 lawyers last week, who participated?

2 A. Myself, Kimberly Neal and Matt Legg.

3 Q. Did anyone else participate in that  
4 prep session?

5 A. No.

6 Q. How long was it?

7 A. Roughly an hour. An hour and a half,  
8 maybe.

9 Q. Did you review any documents during  
10 that prep session?

11 A. Yes.

12 Q. What documents did you review?

13 A. Exhibit 2.

14 Q. The list of topics?

15 A. Yes.

16 Q. Did you review any other documents in  
17 that first prep session?

18 A. Not that I recall.

19 Q. How long was your meeting yesterday  
20 with the lawyers?

21 A. I'd say roughly an hour.

22 Q. And who did you meet with?

23 A. Myself, Ms. Driver, Kenny.

24 THE WITNESS: I'm sorry. I don't know  
25 your last name.

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1 MR. BYRD: Mr. Byrd.

2 THE WITNESS: Mr. Byrd.

3 And Matt Legg and Nick -- well, I don't  
4 know Nick's last name either -- were on the phone.

5 MR. BYRD: Lee.

6 THE WITNESS: Lee. Sorry. Yeah, Lee.

7 BY MR. KEYES:

8 Q. You said Nick Lee was on the phone?

9 A. Matt Legg or Nick Lee.

10 THE WITNESS: Oh, sorry. I thought you  
11 were correcting me on "Legg."

12 Nick Lee, Matt Legg were on the phone.

13 BY MR. KEYES:

14 Q. Okay. And then were Mr. Byrd and  
15 Ms. Driver in person?

16 A. Yes.

17 Q. Did anyone else participate in that  
18 meeting with the lawyers?

19 A. No.

20 Q. Did you review any documents during  
21 yesterday's prep session with the lawyers?

22 A. Correct. Yes.

23 Q. What did you review?

24 A. The complaint. Interrogatories, I  
25 think, Number 3 and Number 5. And the questions

1 or -- I'm not sure what you're referring to these  
2 as again.

3 Q. Are you referring to Exhibit 2?

4 A. Yes.

5 Q. It's a list of topics.

6 A. List of topics.

7 Q. That's one of the four documents you  
8 reviewed yesterday?

9 A. I think I -- I don't know if I -- the  
10 interrogatories is either Number 3 or Number 5.  
11 I'm not sure which one it was. So it's only three  
12 topics.

13 Q. Oh, I see. Okay.

14 So you reviewed the complaint. You  
15 reviewed an interrogatory answer, either the answer  
16 to Number 3 or the answer to Number 5. And you  
17 reviewed Exhibit 2, the list of topics?

18 A. Correct.

19 Q. Okay. Anything else that you reviewed  
20 in the prep session yesterday?

21 A. Not that I recall.

22 Q. Okay. And then who participated in  
23 this morning's prep session?

24 A. Myself, Ms. Driver, Mr. Byrd.

25 Q. Anyone else participate?

1 A. No.

2 Q. How long was that prep session?

3 A. 25 minutes, 20 minutes.

4 Q. Did you review any documents this  
5 morning with the lawyers?

6 A. No.

7 Q. Did you review the transcript of any  
8 testimony given by someone else in this case?

9 A. No.

10 Q. Did you review any documents on your  
11 own outside these three prep sessions with the  
12 lawyers?

13 A. No.

14 Q. And you understand that the lawyers  
15 you've mentioned -- Ms. Neal, Ms. Driver, Mr. Legg,  
16 Mr. Byrd and Mr. Lee -- are all lawyers for Harford  
17 County Public Schools?

18 A. Is that accurate? I'm not sure. I  
19 know Ms. Driver and Ms. Neal are.

20 Q. Okay. You're not sure about the  
21 others?

22 A. Yes.

23 Q. Okay. Did you speak with anyone in  
24 Harford County Public Schools to prepare for  
25 today's deposition?



1 A. No.

2 Q. Did you speak with anyone outside  
3 Harford County Public Schools to prepare for  
4 today's deposition?

5 A. I mean, other than the people I've  
6 already noted, no.

7 Q. Okay. So is it fair to say that the --  
8 the prep you've done was meeting with the people  
9 you've listed -- which include Harford County  
10 Public Schools' in-house lawyers and then Mr. Legg,  
11 Mr. Lee and Mr. Byrd -- for three hours or so; and  
12 you reviewed the complaint, one interrogatory  
13 answer and Exhibit 2?

14 A. Correct.

15 Q. Did you do anything else to prepare?

16 A. Not that I recall.

17 Q. Is there any reason you cannot testify  
18 truthfully and accurately today?

19 A. No.

20 Q. Did you take any notes during your  
21 preparation?

22 A. No.

23 Q. Did you bring any documents with you to  
24 today's deposition?

25 A. No.

1 Q. Would you turn to Exhibit 2, Page 7,  
2 Topic 1, which is: The amount of time and the  
3 frequency of the use by students of, one, cell  
4 phones, smartphones, laptops, tablets or other  
5 electronic devices; two, any of the defendants'  
6 platforms; or, three, any other online media and  
7 communications services.

8 Do you see that?

9 A. Yes.

10 Q. Okay. Does Harford County Public  
11 Schools have any quantitative data reflecting the  
12 amount of time students spend on cell phones or  
13 other electronic devices?

14 MR. BYRD: Object to form.

15 I'm going to object sometimes, I think  
16 I told you. You can still just answer the question  
17 unless I instruct you not to.

18 THE WITNESS: Uh-huh.

19 MR. BYRD: But object to form. I'm  
20 getting it on the record. Go ahead.

21 THE WITNESS: Yes.

22 BY MR. KEYES:

23 Q. Okay. What data?

24 A. We conduct a wellness needs assessment  
25 that specifically asks students about their use.

1 Q. How many wellness needs assessment have  
2 you performed?

3 A. Well, we do it every year. We roughly  
4 get about twenty-five to 30,000 students  
5 responding.

6 Q. And does that include high school  
7 students?

8 A. Correct. Yes.

9 Q. Does that include middle school  
10 students?

11 A. Yes.

12 Q. Does it include elementary students?

13 A. Third, fourth and fifth grade.

14 Q. And who actually conducts this needs  
15 assessment?

16 A. It has changed over the years. It used  
17 to be the school counselors. And then it morphed  
18 into doing it in the classroom, having teachers  
19 initiate it. But it's really a self-guided  
20 assessment.

21 Q. When did it switch from school  
22 counselors conducting this needs assessment to  
23 teachers conducting it?

24 A. This school year.

25 Q. Okay. So this year is the first time

1 teachers have done it in the classrooms?

2 A. Well, it's always done in the  
3 classroom, but it's the first time that the  
4 counselor wasn't the lead.

5 Q. Okay. And is this done in writing by  
6 the students where they fill out something?

7 A. It's electronic.

8 Q. Okay. And where are the results of the  
9 survey compiled?

10 A. Stored on a dashboard.

11 Q. What is the dashboard called?

12 A. Wellness Needs Assessment.

13 Q. And where is that dashboard accessible  
14 to Harford County Public Schools' employees?

15 A. Depends on your role.

16 Q. Okay. How do you access it?

17 A. I have a link.

18 Q. On your laptop or desktop or --

19 A. Through --

20 Q. -- whenever you're on the network?

21 A. I honestly just have it saved through  
22 an email through our research and evaluation  
23 person.

24 Q. And what -- what does that assessment  
25 ask about regarding students' use of cell phones or

1 other electronic devices?

2 A. So I can't remember the specific --

3 MR. BYRD: By the way, just -- I'm  
4 going to object to any material that's beyond the  
5 relevant time period in the notice as far as on  
6 behalf of the school district.

7 But you can go ahead and answer.

8 THE WITNESS: I don't remember the  
9 specific questions, but it does ask about the  
10 amount of time they use electronic devices outside  
11 of the school day, what social media platforms they  
12 engage with. And then because we know the  
13 detriment of social media platforms, we ask about  
14 their sleep and other mental health-related  
15 questions.

16 BY MR. KEYES:

17 Q. Anything else that you remember the  
18 assessment collects data on regarding students' use  
19 of cell phones or other electronic devices?

20 A. How much time they're on it before they  
21 go to sleep, how much time they don't go to sleep  
22 on time because of the electronic device. That may  
23 be it.

24 Q. And how far back do these annual  
25 wellness needs assessments go in the records that

1 you have access to?

2 A. I believe we -- I believe '21 --  
3 '22-'23, I think, was our first year, I believe.

4 Q. Okay. And has it been done already for  
5 this school year?

6 A. Yes.

7 Q. So is it fair to say you've got the  
8 data from three wellness needs assessments?

9 A. Yes.

10 Q. I asked you before whether Harford  
11 County Public Schools has any quantitative data  
12 about the amount of time students spend on cell  
13 phones or other electronic devices. Beyond what  
14 you've already described, does Harford County  
15 Public Schools have any quantitative data about the  
16 amount of time students spend on the defendants'  
17 platforms or other online media and communication  
18 services?

19 A. We may. There is a youth risk behavior  
20 survey that's done. I don't know if that has  
21 specific questions in it about social media use,  
22 but it may.

23 Q. And who conducts the youth risk  
24 behavior survey?

25 A. That's done in the classroom. It's

1 random choice of schools, random choice of grade  
2 levels, I believe. It's -- I don't know if it's  
3 federal- or state-mandated survey. It's not a --  
4 it's not a Harford County-grown survey.

5 Q. Do you know who designs the survey each  
6 year?

7 A. I don't.

8 Q. Is the data that is filled out by  
9 Harford County Public Schools made available to you  
10 or others?

11 A. Eventually.

12 Q. Is it made available as part of the  
13 final report on that survey?

14 A. What do you mean by that?

15 Q. Well, do you understand that the report  
16 is published of the results from the youth risk  
17 behavior survey?

18 A. Yeah.

19 Q. Okay. Before you get that final  
20 report, do you have access to the data for the  
21 Harford County Public School students who  
22 participated in the survey?

23 A. No.

24 Q. Okay. So you cooperate with the state  
25 in having the randomly selected schools and grades

1 fill out the survey. That data is submitted to the  
2 state, and then at some point you get the report  
3 back?

4 A. Correct.

5 Q. Okay. Is there any other quantitative  
6 data that Harford County Public Schools has about  
7 the amount of time students spend on the  
8 defendants' platforms or other online media and  
9 communications services?

10 MR. BYRD: Object to form. Vague as to  
11 quantitative data.

12 You can answer.

13 THE WITNESS: I don't know.

14 BY MR. KEYES:

15 Q. And beyond what you've told me, does  
16 Harford County Public Schools have any quantitative  
17 data on the frequency of the use by students of  
18 cell phones, other electronic devices, the  
19 defendants' platforms or any online media and  
20 communication services?

21 A. Beyond --

22 MR. BYRD: Object to form.

23 THE WITNESS: Beyond what I've already  
24 stated?

25 BY MR. KEYES:



1 Q. Yes.

2 A. No. I mean, I should say I don't know.

3 Q. You're not aware of any other data --

4 A. No.

5 Q. -- is that correct?

6 A. Correct.

7 Q. Does Harford County Public Schools have  
8 any quantitative data about the impact of students'  
9 use of cell phones, other electronic devices,  
10 defendants' platforms or other online media and  
11 communication services on students' mental,  
12 emotional, social or behavioral health?

13 A. Yes.

14 Q. What?

15 A. Several pieces. One would be our  
16 suicide ideation report data dashboard, which shows  
17 every student who has had thoughts of committing  
18 suicide and the reason for that, which in some  
19 cases would include social media, bullying,  
20 teasing, feelings of depression, anxiety based on  
21 their social media use, impact of -- on their life  
22 of not feeling adequate because of the social media  
23 use and the things that they're seeing on there.  
24 That would be one example.

25 We also have threat assessment data.

1 Every time a student indicates that they want to  
2 harm others, either individually or en masse, we do  
3 a threat assessment. And that data would show the  
4 impact of their use of social media, either the  
5 impact on their decision to do the threat or the  
6 use of social media to carry out the threat.

7 We also do risk-of-harm assessments  
8 when students we believe doesn't meet the level of  
9 a threat assessment but meets the level of  
10 identifying their risk to harm other people when  
11 they come back from a suspension.

12 We have the wellness needs assessment,  
13 which shows varying levels of change in anxiety,  
14 depression and other mental health concerns, which  
15 may or may not tie back to social media use.

16 We have dashboards for discipline as  
17 well as attendance, and have information from  
18 students regarding their either lack of attendance  
19 or discipline incidents that have occurred, which  
20 in some cases would be tied back to the use of cell  
21 phones, the use of social media platforms or the  
22 impact of the social media platform on them.

23 Q. Have you given me a complete list?

24 MR. BYRD: Object to form. A complete  
25 list of your original question?

1 MR. KEYES: Yeah.

2 BY MR. KEYES:

3 Q. Have you given me a complete list of --

4 MR. BYRD: The quantitative data.

5 BY MR. KEYES:

6 Q. -- the sources of quantitative data?

7 MR. BYRD: Okay.

8 MR. KEYES: Yeah.

9 THE WITNESS: Let me think for a few  
10 minutes on that. We have bullying and harassment  
11 reports that are submitted by staff, students and  
12 the community, which in some cases tie back to the  
13 use of social media to carry out the bullying or  
14 harassment or the victim's report of the impact of  
15 the harassment through social media.

16 BY MR. KEYES:

17 Q. Anything else?

18 A. We conduct reintegration meetings every  
19 time a child comes back from a mental health  
20 hospitalization. And in that meeting, a form is  
21 completed that asks a lot of questions of the  
22 student to try to help them upon their return to  
23 school. And in some of those cases, that would  
24 reflect the impact of social media on their mental  
25 health, which then led to the hospitalization.

1                   We have psychological testing that's  
2                   done by our school psychologists, which in some  
3                   cases would indicate issues caused by phone use and  
4                   social media and tablet use. And we also get data  
5                   from our health department about the wellness of  
6                   our children and adults countywide which may have  
7                   information about cell phone use in that and social  
8                   media use.

9                   Q.     Okay. You referenced data from the  
10                  health department. Is that from the Harford County  
11                  Health Department?

12                 A.     Yes.

13                 Q.     Is that data compiled by the health  
14                  department?

15                 A.     Yes. And shared with us.

16                 Q.     Okay. And when Harford County sends  
17                  this data to Harford County Public Schools, to whom  
18                  is it addressed?

19                 A.     I don't know that we've ever had it  
20                  directly addressed to us. It's been shared with us  
21                  in meetings.

22                 Q.     Okay. Have you ever gotten a written  
23                  report from the Harford County Health Department  
24                  that provides this data?

25                 A.     Likely it would be in the way of a

1 PowerPoint that has data embedded in it.

2 Q. Okay. Separate from any PowerPoint  
3 that may have data and which PowerPoint is used  
4 during a meeting, does the Harford County Health  
5 Department send any report to you or anyone else at  
6 Harford County Public Schools with this data?

7 A. Possibly. But not to my knowledge that  
8 I can recall right now.

9 Q. You referenced psychological testing by  
10 psychologists. Is this testing done on an  
11 individual level?

12 A. If needed.

13 Q. Okay.

14 THE REPORTER: I'm sorry.

15 THE WITNESS: If needed.

16 BY MR. KEYES:

17 Q. And is there any document that  
18 aggregates any data from the reports of  
19 psychological testing of individual students?

20 A. Not to my knowledge.

21 Q. So if you wanted to look at  
22 quantitative data based on the psychological  
23 testing by psychologists, you'd have to go look at  
24 each of the reports; is that correct?

25 A. Correct.

1 Q. You mentioned these reintegration  
2 meetings. These are meetings to facilitate a  
3 student returning to the school environment after a  
4 mental health hospitalization? Yes?

5 A. Correct.

6 Q. And who conducts these reintegration  
7 meetings?

8 A. It's done at the school level. The  
9 staff could vary. But it's likely going to  
10 involve --

11 THE REPORTER: You have to slow that  
12 down.

13 "It's likely going to involve"?

14 THE WITNESS: Someone from student  
15 services, like a counselor, a psychologist, a  
16 social worker and an administrator.

17 BY MR. KEYES:

18 Q. Is there any document that aggregates  
19 any data from any reports on these reintegration  
20 meetings with individual students?

21 A. No.

22 Q. So if you wanted to look at  
23 quantitative data based on these reintegration  
24 meetings, you'd have to go look at each of the  
25 reports of each of those meetings?

1 A. Correct.

2 Q. You mentioned bullying and harassment  
3 reports. Is that one report or are there two  
4 different reports, one for bullying and one for  
5 harassment?

6 A. It's one report.

7 Q. What is it called?

8 A. Bullying, harassment and intimidation,  
9 maybe, just, report.

10 Q. And who within Harford County Public  
11 Schools fills out a bullying, harassment and  
12 intimidation report?

13 A. That could be a student, a staff  
14 member, or a community member or parent.

15 Q. And once it's filled out, to whom is it  
16 submitted?

17 A. The school where the -- where the  
18 victim goes to school.

19 Q. And who is -- who is -- at the school  
20 is supposed to receive that report?

21 A. An administrator.

22 Q. Is there a particular administrator or  
23 just an administrator at the school?

24 A. I'm sure it varies by school.

25 Q. Who, if anyone, within Harford County

1 Public Schools is tasked with acting on the  
2 bullying, harassment and intimidation report?

3 A. An --

4 MR. BYRD: Object.

5 Sorry.

6 Object to form.

7 You can answer.

8 THE WITNESS: An administrator.

9 BY MR. KEYES:

10 Q. Is there a document that memorializes  
11 what action the Harford County Public Schools  
12 administrator took on the bullying, harassment and  
13 intimidation report?

14 A. Yes.

15 Q. What is that document?

16 A. It's part of the database that shows  
17 the event, the accusation, and the response from  
18 the administration.

19 Q. What is that database called?

20 A. I don't know.

21 Q. Who maintains that database at Harford  
22 County Public Schools?

23 A. My office.

24 Q. Who in your office?

25 A. Kim Noll.



1 Q. And then does Ms. Noll or anyone else  
2 generate reports that provide any kind of  
3 quantitative data about incidents of bullying,  
4 harassment or intimidation?

5 A. Yes.

6 Q. What is that report called?

7 A. I don't know.

8 Q. Does that database have a field for a  
9 narrative about either the -- the reported  
10 allegations or any action taken on those  
11 allegations?

12 A. Yes.

13 Q. And so if you wanted to see whether an  
14 incident of bullying or harassment or intimidation  
15 involved social media, would you have to go through  
16 each of those narratives?

17 A. Possibly not because we generate a  
18 report to MSDE every year.

19 So I'm not sure exactly what data is  
20 aggregated and whether it's going to be broken down  
21 by field to the type of harassment.

22 But I believe the report does indicate  
23 the type of harassment and would have a field for  
24 social media or electronic use, but I can't say  
25 specifically if it does or not.

1 Q. Okay. You -- you mentioned dashboards  
2 for discipline and attendance. What are those  
3 dashboards called?

4 A. I think the attendance dashboard is  
5 just called an attendance dashboard. I don't know  
6 the exact name of it.

7 And then the discipline dashboard  
8 reflects -- it's probably entitled  
9 "Disproportionality Dashboard" or "Discipline  
10 Dashboard." I don't know the exact name.

11 Q. Who maintains the data for the  
12 attendance dashboard?

13 A. Ousmanou Yakoubou.

14 THE REPORTER: Say that again.

15 THE WITNESS: I don't know how to spell  
16 it, so... Ousmanou Yakoubou.

17 He's our -- I don't know his exact  
18 title, but research analyst, research evaluation  
19 person.

20 BY MR. KEYES:

21 Q. And who maintains the -- the discipline  
22 or disproportionality dashboard?

23 A. The same person.

24 Q. Have you looked at either of those  
25 dashboards yourself?

1 A. Yes.

2 Q. Do the dashboards talk about student  
3 use of social media?

4 A. The attendance dashboard does not. The  
5 discipline dashboard may.

6 Q. And is there a particular field in the  
7 discipline dashboard that allows someone to report  
8 whether or not the discipline incident involved  
9 social media?

10 A. It may. There's definitely fields for  
11 cell phone. Whether it's then moved to social  
12 media or not, I'm not sure. But definitely for  
13 cell phone.

14 Q. Okay. So your -- your knowledge is  
15 that within this discipline database, there is a  
16 field where someone can note whether the discipline  
17 incident involved a cell phone?

18 A. If that's an offense code that --  
19 that's noted, yes. Because you can look it up by  
20 offense code, like fighting or disruption or cell  
21 phone use.

22 Q. Is there an offense code that mentions  
23 social media?

24 A. No.

25 Q. Other than looking to see whether

1 discipline incidents involving cell phones also  
2 involve social media, is there any other way within  
3 the discipline dashboard to identify which  
4 incidents involved social media in some way?

5 A. In that dashboard, I don't believe so.  
6 But in our eSchoolPLUS, which is our student  
7 information system, each incident has a narrative.  
8 And that narrative would allude to if social media  
9 was involved.

10 Q. So you could go to a separate database  
11 called eSchool, and you could look at the narrative  
12 for any particular incident to see if there's a  
13 mention of social media?

14 A. Correct.

15 Q. Okay. You also mentioned a wellness  
16 needs assessment when you were giving me a list of  
17 the sources of quantitative data.

18 Is that the same as the wellness needs  
19 assessment you described earlier?

20 A. Yes.

21 Q. Okay. You also mentioned risk  
22 assessments.

23 If I understood you correctly, you said  
24 a risk assessment is conducted when there's not a  
25 threat because if it were a threat, you'd fill out

1 a threat assessment.

2 Therefore, a risk assessment is filled  
3 out to assess the risk of harm when a student  
4 returns to the school environment from a  
5 suspension.

6 Did I get that right?

7 A. So I think there are -- I have to try  
8 to remember the terminology. I think there's  
9 two -- two different types of harms to report.

10 So risk assessment is going to evaluate  
11 a student's risk to themselves. I have to remember  
12 the name of the assessment that was completed. I  
13 believe it's risk for harm assessment. I can't  
14 remember the exact title.

15 But that's a separate assessment that's  
16 done after a suspension -- or prior to -- prior to  
17 the determination of the length of the suspension  
18 to determine if the child -- we feel a child is at  
19 risk to do that harm again when they come back.

20 Q. Okay.

21 A. If that makes sense.

22 Q. So is there one risk assessment or  
23 there are two?

24 A. There's two. I think there's -- but  
25 the other one has a different title. I think it's

1 "Risk for Harm."

2 Q. Okay.

3 A. So, just to elaborate, a threat  
4 assessment is assessing what happened and how we're  
5 going to respond to that.

6 The risk assessment -- "Risk for Harm,"  
7 I believe, is the title of it -- is saying: This  
8 happened. We know it happened. We need to  
9 determine if it's going to happen again. And, if  
10 so, that may change the consequence.

11 Q. And the threat assessment is about a  
12 particular incident involving a threat. Yes?

13 A. Yes.

14 Q. And a risk assessment is focused on a  
15 particular person and whether they pose some kind  
16 of risk of harm?

17 A. Correct. So if a person sexually  
18 assaults somebody in a stairwell, we would do that  
19 assessment to determine do we think that could  
20 happen again when they come back. And then that  
21 would determine their length of suspension.

22 Q. Is there any document that aggregates  
23 data across all of the risk assessments?

24 A. Possibly. I don't know.

25 Q. You don't know. You've not seen a

1 report that aggregates data from all the risk  
2 assessments; is that correct?

3 A. Correct.

4 Q. And if you wanted to know how many risk  
5 assessments involved social media in some way,  
6 you'd have to go through each of the risk  
7 assessments themselves?

8 A. I don't know.

9 Q. You've never done that?

10 A. No.

11 Q. Is there any document that aggregates  
12 data across all of the threat assessments?

13 A. No.

14 Q. So if you wanted to know how many  
15 threat assessments involve social media in some  
16 way, you'd have to go through each of those threat  
17 assessments?

18 A. Yes.

19 Q. Have you ever done that?

20 A. No.

21 Q. And you also mentioned the suicide  
22 ideation report and a data dashboard. Are those  
23 one thing or two separate things?

24 A. I don't remember saying data dashboard,  
25 but the suicide ideation report is one separate

1 thing.

2 Q. And who fills out a suicide ideation  
3 report?

4 A. It will typically be somebody in  
5 student services, such as a school counselor,  
6 nurse, psychologist.

7 Q. And when are the Harford County Public  
8 School employees and student services supposed to  
9 fill out a suicide ideation report?

10 A. Fairly immediately following a  
11 student's iteration or ideation.

12 Q. And then once they filled out the  
13 suicide ideation report, who is supposed to take  
14 action on that report?

15 A. The staff member that's completing it.

16 Q. Okay. So is the suicide ideation  
17 report not only reporting that a student expressed  
18 some thoughts about suicide, but it also reports  
19 what the school staff did in response to the  
20 suicidal ideation?

21 A. Absolutely. Yes.

22 Q. Okay. Is there -- where are these  
23 suicide ideation reports kept?

24 A. In a separate dashboard.

25 Q. Okay. And do you have access to that



1 dashboard?

2 A. I do.

3 Q. Where are the threat assessments kept?

4 A. They are still on paper and kept at the  
5 schools.

6 Q. And where are the risk assessments  
7 kept?

8 A. I believe they're also paper and at the  
9 schools.

10 Q. Okay. So for threat assessments and  
11 risk assessments, both of them are still on paper  
12 and they are stored at the school level?

13 A. Definitely for the threat assessment.  
14 I'm not sure about the risk assessment. But I  
15 believe that's the case.

16 Q. Okay. For the suicide ideation  
17 reports, can you see individual reports on your  
18 dashboard?

19 A. Yes.

20 Q. And so you can actually access the  
21 report itself?

22 A. Yes.

23 Q. Does the dashboard aggregate  
24 information across individual suicide ideation  
25 reports?

1 A. Yes.

2 Q. What data does it aggregate?

3 A. I don't know if this will be a  
4 comprehensive list. But it will say dates. It  
5 will show trends in -- in time of years. It will  
6 show numbers based on grade level, numbers based on  
7 school, numbers based on level of severity.

8 It will show data based on reason for  
9 the feelings is the best way I can put that. It  
10 will show the number of students who have  
11 attempted, number of students who -- the -- the  
12 types of act they were planning to do for those  
13 that had a plan. That may be it, but I'm sure I'm  
14 missing something.

15 Q. Does that report that aggregates the  
16 data you listed also report anything about whether  
17 social media was involved?

18 A. In the aggregate report?

19 Q. Yes.

20 A. I don't know.

21 Q. Is there something in the suicide  
22 ideation report that has a box that someone checks  
23 to note whether social media was involved in any  
24 way?

25 A. I'm not sure.

1 Q. If you wanted to know how many of the  
2 suicide ideation reports involved social media in  
3 some way, would you have to go look through the  
4 individual suicide ideation reports?

5 A. I'm not sure.

6 Q. How many students in the 2017-2018 year  
7 were either treated or counseled by Harford County  
8 Public Schools for anxiety?

9 A. I don't know.

10 Q. Is there a document you could check?

11 A. No.

12 Q. Is there a document you could check to  
13 tell me how many students in the -- any of the  
14 subsequent school years were either treated or  
15 counseled by Harford County Public Schools for  
16 anxiety?

17 A. So let me rephrase my answer to that.  
18 So I can't give a -- an exact answer, but I could  
19 give a answer that would be at least at minimum,  
20 because we would be able to access these dashboards  
21 and these databases and other pieces of data that  
22 would tell us a number, but it wouldn't be accurate  
23 because we know there'd be more that weren't  
24 captured.

25 So we could get a number. It would

1 just be a inaccurate low number.

2 Q. Okay. So -- well, where would you go  
3 to get the number to show how many students in the  
4 2017-2018 year were either treated or counseled by  
5 Harford County Public Schools for anxiety?

6 A. So, a few places. I would start  
7 with -- we have what's called school-based mental  
8 health, which is outside mental health providers  
9 that we have been forced to bring into our  
10 buildings to treat students who couldn't get their  
11 mental health therapy after the school day because  
12 of inability to access it.

13 We get reports from them on how many  
14 students they've seen in addition to the reasons  
15 for the -- reasons for a student's accessing the  
16 mental health. That is something that has grown  
17 exponentially over the last eight years due to the  
18 myriad of issues, most notably being social media  
19 impact on our children. So we've had to increase  
20 that therapy.

21 Second, we have -- also had to spend  
22 money on a database called Care Solace, which is --  
23 I shouldn't say -- it's not a database. It's an  
24 organization that is a third-party vendor that --  
25 well, it takes all the legwork out of finding

1 therapists, psychologists, psychiatrists for  
2 children or adults. And that dashboard shows the  
3 reason for the need for therapy from the  
4 individuals, and that's aggregated by the request  
5 but also by age.

6 Q. Okay. So if you wanted to know how  
7 many Harford County Public School students were  
8 treated or counseled for anxiety during the  
9 2017-2018 school year, you could go get that number  
10 by just looking at the dashboard?

11 A. So -- you asked in subsequent years,  
12 too, so we didn't leave it at '17-'18. So are you  
13 going just to '17-'18 now?

14 Q. Well, let's take it one year at a time.  
15 2017-2018 year, how many students were treated or  
16 counseled for anxiety?

17 MR. BYRD: Object to form.

18 THE WITNESS: So I'll start with the  
19 school-based mental health data. That would be one  
20 data point. Most of the other things that we've  
21 talked about so far were not in existence in  
22 '17-'18 and have been forced to be come into  
23 existence due to the prevalence of cell phones and  
24 social media with our children.

25 So, in '17-'18, that would be probably

1 the only data piece that I probably could get.

2 BY MR. KEYES:

3 Q. Okay. And would that -- when you say  
4 the "school-based mental health data," what -- what  
5 data are you talking about?

6 A. So we have outside mental health  
7 providers that come into our school buildings and  
8 deliver therapy just like they would in their  
9 office, but they do it during the school day. And  
10 they give us a report on the number of children  
11 they've seen and the reasons for the visits, I  
12 believe.

13 Q. Okay. And so do you -- is there a  
14 document you believe that -- that gives the total  
15 number, or would you have to go to each report from  
16 each of the psychologists and add them up?

17 A. No. We get a total -- we get a total  
18 number provided. I don't know what occurred in  
19 '17-'18 as far as that data, but currently, we get  
20 that data from all the providers and then have a  
21 report on the total number of children seen and  
22 reasons for being seen.

23 Q. Okay. Still focusing on the 2017-2018  
24 school year, would your answer be the same if we  
25 wanted to know how many students were treated or

1 counseled for depression?

2 A. Yes.

3 Q. Would the same be true for eating  
4 disorders?

5 A. Yes.

6 Q. Would the same be true for body  
7 dysmorphia?

8 A. Yes.

9 Q. Would the same be true for self-harm?

10 A. So with regards to self-harm, we did,  
11 before we created this dashboard -- well, we still  
12 do -- report for MSDE every year on our suicide  
13 ideation reports.

14 So we would have an end-of-year report  
15 on how many suicide ideation reports were done in  
16 the '17-'18 school year that we sent to MSDE, and I  
17 would imagine that report has it broken down by the  
18 presenting concern.

19 Q. So you -- you think that would include  
20 self-harm --

21 A. Well, that --

22 Q. -- in addition --

23 A. -- that's all self-harm. Yeah.

24 Q. Okay.

25 A. Well, are you talking about self-harm

1 like cutting, or are you talking about --

2 Q. That's an example. Yeah. So I was  
3 trying to identify self-harm separate from suicidal  
4 ideation.

5 A. Only if the self-harm was a part of the  
6 suicide ideation report.

7 Q. Okay. If the self-harm was not part of  
8 the suicidal ideation report, would you be able to  
9 tell me how many students were treated or counseled  
10 for self-harm in the 2017-2018 school year?

11 A. Harford County Public Schools data?

12 Q. Yes.

13 A. I don't believe so.

14 Q. Okay. For 2017-2018 school year, are  
15 you able to tell me the number of students who were  
16 treated or counseled because of social media  
17 addiction?

18 A. It would be the same, the school-based  
19 mental health report.

20 Q. For 2017-2018 school year, are you able  
21 to tell me the number of students who were treated  
22 or counseled because of something arising from  
23 their use of cell phones or electronic devices?

24 A. The same.

25 Q. And for 2017-2018 school year, are you



1 able to tell me the number of students who were  
2 treated or counseled because of something arising  
3 from their use of social media?

4 MR. BYRD: Object to form.

5 THE WITNESS: Same data point.

6 BY MR. KEYES:

7 Q. For any subsequent school year, after  
8 2017-2018 school year, are you able to tell me the  
9 number of students who were treated or counseled  
10 because of social media addiction?

11 MR. BYRD: Object to form. I think I  
12 need to lodge a beyond-the-scope a little bit  
13 because of the way your topic is worded. But it's  
14 a beyond-the-scope objection.

15 Go ahead.

16 THE WITNESS: Yes.

17 BY MR. KEYES:

18 Q. Okay. How many?

19 A. How many what?

20 Q. How many students in any year since  
21 2017-2018 school year were treated or counseled  
22 because of social media addiction?

23 A. I don't know that number.

24 Q. And where would you go to get that  
25 number?

1           A.     Which school year are we talking about  
2     again?

3           Q.     Take any year since the 2017-2018  
4     school year.

5           A.     So I'd go back to all the information  
6     we just covered depending on when those databases  
7     came into play.

8                     So it would be the school-based mental  
9     health report. It would be the suicide ideation  
10    report database. It would be reintegration  
11    meetings.

12                    I mean, do you want me to go through  
13    this list again?

14           Q.     No. I don't want you to go through --

15           A.     Okay.

16           Q.     -- the list.

17           A.     So the same -- the same data --

18           Q.     But you would -- you would go to all  
19    those sources to try to review them to compile that  
20    number?

21           A.     Correct.

22           Q.     Okay. There is no document that exists  
23    today that reports that number; is that correct?

24           A.     Accurately, no.

25           Q.     Okay. Is there a document that reports

1 for any year since the 2017-2018 school year the  
2 number of students who were treated or counseled  
3 because of their use of cell phones?

4 MR. BYRD: Object to form.

5 THE WITNESS: It would be the same data  
6 points I would look at.

7 BY MR. KEYES:

8 Q. Okay. So is it fair to say there is no  
9 document that exists today that shows that number?  
10 You would have to go through all of the various  
11 sources you've listed and try to compile it?

12 A. Correct.

13 Q. Okay. And is the same true if you  
14 wanted to know for any year since 2017-2018 school  
15 year the number of students who were treated or  
16 counseled because of their use of social media?

17 A. Yes.

18 Q. Okay. Are you aware of any written  
19 analysis or report that Harford County Public  
20 Schools prepared or commissioned that discusses the  
21 impacts of the use of cell phones or electronic  
22 devices by students?

23 A. Yes.

24 Q. What?

25 A. So at a recent Board of Education

1 meeting, I, along with others, did a presentation  
2 on our discipline data and, in the course of that  
3 presentation, documented the reduction in many of  
4 our in-school violations, most notably fighting, as  
5 a result of our ban on phone and social media use  
6 during the school day.

7 MR. BYRD: You can ask him about this.  
8 I'm going to object if it's anything beyond after  
9 April 1st, 2024, the relevant time period of this  
10 30(b)(6) notice, as beyond the scope.

11 But you can ask, I guess. It's just  
12 beyond the scope. You won't be able to use it or  
13 I'll object.

14 BY MR. KEYES:

15 Q. When was the Board of Education  
16 meeting?

17 A. April -- I don't know the exact date.  
18 A few Mondays ago. Probably three -- two Mondays  
19 ago.

20 Q. And who prepared this presentation?

21 A. Myself, Buzz Williams, Natalie Holloway  
22 and Tom Smith.

23 Q. And you gave the presentation to the  
24 Board of Education?

25 A. The four of us did.

1 Q. And do I understand --

2 MR. BYRD: Again, I'll object as beyond  
3 the scope of the notice times as far as him  
4 speaking on behalf of the school district.

5 But you're free to use your 30(b)(6)  
6 time to do it, if you want to.

7 BY MR. KEYES:

8 Q. Separate from the presentation that you  
9 gave to the Board of Education in April of this  
10 year, are you aware of any written analysis or  
11 report that Harford County Public Schools prepared  
12 or commissioned that discusses the impact of the  
13 use of cell phones or electronic devices by  
14 students?

15 MR. BYRD: Objection.

16 THE WITNESS: So I guess it depends how  
17 you define "report" or "analysis."

18 But recently, this school year, I  
19 started a zero-to-eight work group to convene  
20 internal and external stakeholders to address the  
21 concerns that we're seeing in our children and our  
22 county from zero to eight years old.

23 And part of that initial analysis and  
24 report from several agencies, including ours, was  
25 that the increased severe behavior of our youngest

1 children is impacted by their and their parents'  
2 cell phone, tablet and social media use.

3 BY MR. KEYES:

4 Q. And has that working group prepared any  
5 written report?

6 A. Minutes, but no written report yet.  
7 We're still in the discovery phase.

8 Q. Is this a Harford County Public  
9 Schools-only group, or does it involve stakeholders  
10 from around Harford County?

11 A. Stakeholders from around Harford County  
12 as well as Harford County Public Schools employees.

13 Q. Are you aware of any written analysis  
14 or report that Harford County Public Schools  
15 prepared or commissioned that discusses the impact  
16 of the use of cell phones or electronic devices by  
17 students beyond what you've already said?

18 A. How would you define "commissioned"?

19 Q. Where Harford County Public Schools  
20 hires or engages a third party to do a study and  
21 prepare a report.

22 A. So Harford County Public Schools was  
23 part of an initiative to bring an expert to Harford  
24 County to impart his knowledge to parents about the  
25 dangers of cell phone use and social media.

1 I don't remember his name. I don't  
2 remember the year. It was in the last five, six  
3 years.

4 And the title was something to the  
5 effect of "Instagram is Killing My Daughter and  
6 Minecraft is Killing My Son" or something. I  
7 forget the exact title.

8 Q. Anything else?

9 A. The -- during the '23-'24 school year,  
10 maybe even prior, a work group convened to evaluate  
11 the impact of cell phones and social media on our  
12 students and the impact that that is having on our  
13 staff and our budget.

14 And part of that work group was to  
15 develop a policy around cell phone use during the  
16 school day. Part of that was engaging in a book  
17 study of "The Anxious Generation."

18 And out of that then came the current  
19 policy we have regarding cell phone use during the  
20 school day from middle and high school students.  
21 Well, all students.

22 Q. That led to the current cell phone  
23 policy?

24 A. Correct.

25 Q. Okay. Anything else?

1           A.     Last school year, we engaged -- or two  
2     school years ago, we had several staff members  
3     trained in something called HOPE, which is Healthy  
4     Outcomes from Positive Experiences.

5                 We then last year trained all of our  
6     staff across the system on this initiative, this  
7     program. Part of that was informing staff and  
8     families about the sort of building blocks that are  
9     important to raising healthy children.

10                And part of that was the discussion  
11    around not allowing children access to phones or  
12    social media and the importance of the things that  
13    have been taken away from them through social  
14    media, like outdoor play, socialization, engaging  
15    in extracurricular activities.

16                Q.    Beyond what you've said, are you able  
17    to identify any written analysis or report prepared  
18    or commissioned by Harford County Public Schools  
19    regarding the impact of students' use of either the  
20    defendants' platforms or social media?

21                MR. BYRD:   Object to form.

22                Are you talking about a specific topic  
23    number when you say "commissioned"? I just want to  
24    make sure.

25                MR. KEYES:   Topic 8.



1 MR. BYRD: 8.

2 BY MR. KEYES:

3 Q. You can answer.

4 A. Not that I can currently recall.

5 Q. Are you aware of any written analysis  
6 or report prepared or commissioned by Harford  
7 County Public Schools that discusses an alleged  
8 causal link between the use of cell phones or other  
9 electronic devices and students' mental, emotional,  
10 social or behavioral health?

11 A. Outside of what we've already  
12 discussed?

13 Q. Yes.

14 A. No.

15 Q. Are you aware of any written analysis  
16 or report prepared or commissioned by Harford  
17 County Public Schools that discusses an alleged  
18 causal link between the use of defendants'  
19 platforms or social media and students' mental,  
20 emotional, social or behavioral health?

21 MR. BYRD: I'll object to form.

22 And to the extent that there's any work  
23 product being done here on reports that aren't --  
24 that the timing is wrong, you don't need to get  
25 into that.

1 But if there's any other reports  
2 outside of what your counsel has --

3 THE WITNESS: Are you speaking in  
4 general or specific instances?

5 Because if we're talking about specific  
6 instances where there's a causal link between  
7 social media and mental health, we have thousands  
8 of them, as I've already alluded to, in those  
9 reports.

10 BY MR. KEYES:

11 Q. Well, I'm -- I'm asking whether you're  
12 aware of any written analysis or report prepared or  
13 commissioned by Harford County Public Schools that  
14 discusses an alleged causal link between the use of  
15 defendants' platforms or social media and  
16 students', plural, mental, emotional, social or  
17 behavioral health.

18 MR. BYRD: Object. Object to form.  
19 Asked and answered. He just said.

20 MR. KEYES: He asked me to clarify it.  
21 I'm trying to clarify it.

22 BY MR. KEYES:

23 Q. And I'm not asking about what happened  
24 to a particular student. I'm asking whether you're  
25 aware of any report that -- that discusses the

1 problem generally or -- or purports to conduct or  
2 describe any kind of scientific literature.

3 MR. BYRD: Okay. Object to form,  
4 because you're changing your question now. Because  
5 according to your question, he said there are  
6 thousands of them.

7 BY MR. KEYES:

8 Q. You can answer.

9 MR. BYRD: Are you changing the  
10 question? Can you rephrase the question? Or,  
11 objection.

12 BY MR. KEYES:

13 Q. I'll read it back to you.

14 Are you aware of any written analysis  
15 or report prepared or commissioned by Harford  
16 County Public Schools that discusses an alleged  
17 causal link between the use of defendants'  
18 platforms of social media and students' mental,  
19 social or behavioral health?

20 And I'm not asking about what happened  
21 to a particular student. I'm asking, are you aware  
22 of a report that purports to conduct or describe  
23 any kind of scientific literature?

24 MR. BYRD: Object to form to that  
25 question. And asked and answered.

1                   Go ahead.

2                   THE WITNESS: You asked me two  
3                   questions, so I'm not sure -- you -- you keep  
4                   adding scientific literature to the end.

5                   BY MR. KEYES:

6                   Q. Well, I asked you a question. You  
7                   asked me for a clarification.

8                   A. Uh-huh.

9                   Q. And so I'm giving you that  
10                  clarification. I'm not asking about what happened  
11                  to a particular student.

12                  A. Uh-huh.

13                  Q. I'm asking, are you aware of such a  
14                  report that purports to either conduct scientific  
15                  literature or describe what the scientific  
16                  literature shows?

17                  MR. BYRD: Object to form.

18                  THE WITNESS: So do we have reports  
19                  that cites scientific literature in instances? Is  
20                  that the question?

21                  BY MR. KEYES:

22                  Q. No. I'm not asking about particular  
23                  instances. Are you willing to tell me about any  
24                  particular instance where you've given me all the  
25                  details, including the student's name and personal

1 identifying -- identifying information?

2 A. No. Why would I do that?

3 Q. I didn't think so. So I'm not here to  
4 talk about particular instances; therefore, my  
5 questions are not about particular students or  
6 particular incidents.

7 I'm asking about whether Harford County  
8 Public Schools has prepared, itself, or  
9 commissioned someone else to prepare a study that  
10 discusses an alleged causal link between students'  
11 use of the defendants' platforms or social media  
12 and students' mental, emotional or social health.

13 MR. BYRD: Objection. And beyond the  
14 scope of the way the topic is worded.

15 But you can answer.

16 THE WITNESS: I would believe that the  
17 report that was done using the book study to then  
18 generate the policy would satisfy what you're  
19 asking.

20 BY MR. KEYES:

21 Q. Okay. Anything else?

22 A. With that level of specificity, no.

23

24

25

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1 (The following portions of the  
2 transcript were redacted pursuant to agreement of  
3 counsel pending resolution of dispute.)  
4

5  
6 (Whereupon, there was a recess in the  
7 proceedings from 10:08 a.m. to 10:27 a.m.)  
8

\* \* \*

9 THE VIDEOGRAPHER: We are on the record  
10 at 10:27.  
11

12 (The following portions of the  
13 transcript were redacted pursuant to agreement of  
14 counsel pending resolution of dispute.)  
15

16 (HCPS MD HENNIGAN EXHIBIT 4, Wellness  
17 Needs Assessment Analysis 2023-2024 School Year  
18 Final Research Report, Bates HCPS\_00046480-504, was  
19 marked for identification.)  
20

BY MR. KEYES:

21 Q. Mr. Hennigan, I'm showing you what has  
22 been marked as HCPS Exhibit 4. This is a document  
23 that was produced with the Bates Numbers  
24 HCPS\_00046480 through 46504. This is titled a  
25 "Wellness Needs Assessment Analysis for the

1 2023-2024 School Year Final Research Report."

2 You mentioned earlier a wellness needs  
3 assessment that has been conducted for the last  
4 three school years. Is this a final report for the  
5 wellness needs assessment for the 2023-2024 school  
6 year?

7 A. It's a final summary analysis, yeah.

8 Q. Okay. And is this the report for the  
9 wellness needs survey or assessment that you  
10 described earlier in the deposition?

11 A. Yes.

12 Q. Has a final research report been issued  
13 for the 2024-2025 school year?

14 A. I don't believe so.

15 Q. This Exhibit 4 says that it was  
16 prepared by Yakoubou Ousmanou?

17 A. Correct.

18 Q. Is that the gentleman whose name you  
19 mentioned earlier today?

20 A. Yes.

21 MR. BYRD: I'll note it has the  
22 spelling as well for the court reporter.

23 BY MR. KEYES:

24 Q. And did -- is -- is Yakoubou Ousmanou a  
25 man or a woman?

1 A. A man.

2 Q. Did Mr. Ousmanou also prepare a final  
3 research report for the 2023-2024 school year  
4 wellness needs assessment?

5 A. That's what you've just handed me.

6 Q. I'm sorry. Did Mr. Ousmanou also  
7 prepare a final research report for the 2022-2023  
8 school year?

9 A. I believe so.

10 Q. Okay. Who decides what questions to  
11 ask in these wellness needs assessments?

12 A. It started with an initial work group  
13 for the original, '22-'23.

14 And then we had several iterations of  
15 it since then, with members of my team crafting  
16 various iterations of the questions, adding  
17 questions, removing questions.

18 Q. Do any people who are not affiliated  
19 with Harford County Public Schools participate in  
20 that work group?

21 A. No.

22 Q. So this is an entirely a Harford County  
23 Public Schools work group that decides what goes  
24 into the assessments?

25 A. Yes.



1 Q. I'll ask you to turn your attention to  
2 Page 7, which is part of the key findings.

3 Are you there?

4 A. Yes.

5 Q. There are a number of magnifying  
6 glasses as icons. If you'd go to the fourth one.

7 Are you there?

8 A. Yes.

9 Q. This reports that: 86 percent of  
10 secondary students do not have any concerns over  
11 their mental health or emotional well-being.

12 Do you see that?

13 A. Yes.

14 Q. And this is the report of what  
15 secondary students said in response to the  
16 questions in this wellness needs assessment,  
17 correct?

18 A. Correct.

19 Q. Does Harford County Public Schools have  
20 any basis for disputing this key finding that  
21 86 percent of secondary students in Harford County  
22 Public Schools do not have any concerns over their  
23 mental health or emotional well-being?

24 A. So the dispute could be that not every  
25 student answered this survey. Also that the

1 questions in the survey are only allowed to be  
2 phrased with certain specificity to avoid us having  
3 parents sign off on their ability to take this.

4 So the questions are general in nature,  
5 not as specific as the youth risk behavior survey.

6 So it's -- it's a data point. But it  
7 doesn't necessarily tell the whole story because  
8 you're not asking every student the question.

9 Q. Does Harford County Public Schools have  
10 any basis for disputing that 86 percent of  
11 secondary students in Harford County Public Schools  
12 said they do not have any concerns over their  
13 mental health or emotional well-being in response  
14 to the wellness needs assessment questions that  
15 Harford County Public Schools asked?

16 MR. BYRD: Object to form.

17 THE WITNESS: The dispute would be that  
18 not every student answered this survey. So it's  
19 not accurate.

20 BY MR. KEYES:

21 Q. You don't think this is accurate?

22 A. I don't think that the 86 percent is a  
23 full representation of every student in our  
24 district.

25 Q. Do you think the statement in this

1 report is inaccurate?

2 A. I'm not sure. I'd have to talk to  
3 Mr. Ousmanou about his basis for that decision.

4 Q. Well, prior to today, did you at any  
5 point go back to Mr. Ousmanou and say, "We can't  
6 put in this report a key finding that 86 percent of  
7 surveyed students don't have concerns over their  
8 mental health and emotional well-being"?

9 MR. BYRD: Object to form.

10 THE WITNESS: No.

11 BY MR. KEYES:

12 Q. Did you at any point prior to today go  
13 to anyone in Harford County Public Schools and say,  
14 "We can't put in this report a key finding that  
15 86 percent of surveyed students don't have concerns  
16 over their mental health and emotional well-being"?

17 A. No, because it doesn't say that. I  
18 wouldn't have said that.

19 Q. You say, "No, because it doesn't say  
20 that"?

21 A. It doesn't say 86 percent of surveyed  
22 students, which is what you just said.

23 Q. Okay. Do you at any point prior to  
24 today go to anyone in Harford County Public Schools  
25 and say, "We can't put in this report a key finding

1 that 86 percent of secondary students do not have  
2 any concerns over their mental health or emotional  
3 well-being"?

4 A. No.

5 Q. Does Harford County Public Schools  
6 admit that bullying, including cyberbullying, can  
7 have a negative effect on students' mental,  
8 emotional, social or behavioral health?

9 A. I think it's a pretty universally  
10 accepted conclusion, yes.

11 Q. Does Harford County Public Schools  
12 admit that bullying, including cyberbullying, can  
13 have a negative effect on students' attention  
14 during class or other school activities?

15 A. Again, a pretty universally accepted  
16 conclusion, yes.

17 Q. Does Harford County Public Schools  
18 admit that bullying, including cyberbullying, can  
19 have a negative effect on students' behavior during  
20 class or other school activities?

21 A. Same answer, yes.

22 Q. Does Harford County Public Schools  
23 admit that bullying, including cyberbullying, can  
24 have a negative effect on students' academic  
25 performance?

1 A. Yes.

2 Q. Does Harford County Public Schools  
3 admit that bullying, including cyberbullying, can  
4 have a negative effect on students' treatment of  
5 school property?

6 MR. BYRD: Object to form.

7 THE WITNESS: I don't know that to be  
8 true.

9 BY MR. KEYES:

10 Q. Does Harford County Public Schools  
11 admit that bullying, including cyberbullying, can  
12 lead some students to damage school property?

13 MR. BYRD: Object to form.

14 What topic are we here if you're asking  
15 him to talk on behalf of this?

16 MR. KEYES: Topic 37.

17 MR. BYRD: Okay.

18 THE WITNESS: Can you repeat that  
19 question?

20 BY MR. KEYES:

21 Q. Sure.

22 Does Harford County Public Schools  
23 admit that bullying, including cyberbullying, can  
24 lead some students to damage school property?

25 A. I don't know that that's a universally

1       accepted truth --

2               Q.     Does --

3               A.     -- among the school system.

4               Q.     Does Harford County Public Schools  
5 admit that alcohol use can have a negative effect  
6 on students' mental, emotional, social or  
7 behavioral health?

8                     MR. BYRD: Object to form.

9                     You can answer.

10                    THE WITNESS: Yes.

11 BY MR. KEYES:

12               Q.     Does Harford County Public Schools  
13 admit that alcohol use can have a negative effect  
14 on students' attention during class or other school  
15 activities?

16                     MR. BYRD: Object to form.

17                     THE WITNESS: Not unless it's being  
18 used during the school day.

19 BY MR. KEYES:

20               Q.     Does Harford County Public Schools  
21 admit that alcohol abuse by a student can have a  
22 negative effect on that student's attention during  
23 class or other school activities?

24                     MR. BYRD: Object to form.

25                     THE WITNESS: Is that different from

1 what you just asked me?

2 BY MR. KEYES:

3 Q. Yes. I asked about alcohol use. Now  
4 I'm asking about alcohol abuse.

5 A. Abuse, yes.

6 Q. Okay. So does Harford County Public  
7 Schools admit that alcohol abuse by a student can  
8 have a negative effect on that student's attention  
9 during class or other school activities?

10 MR. BYRD: Object to form.

11 THE WITNESS: Are you talking about  
12 abuse in a single incident or someone who is  
13 addicted? Because I can abuse one night, or I can  
14 be an abuser who is addicted.

15 BY MR. KEYES:

16 Q. Well, why don't we take it one step at  
17 a time. Does Harford County Public Schools admit  
18 that alcoholism can have a negative effect on that  
19 student's attention during class or other school  
20 activities?

21 MR. BYRD: Object to form. Vague as to  
22 definition.

23 THE WITNESS: I agree; I don't know  
24 what you mean by "alcoholism."

25 BY MR. KEYES:

1 Q. You don't know what "alcoholism" means?

2 A. Does it mean someone who is addicted to  
3 alcohol?

4 Q. Sure.

5 A. So if you had a student that was  
6 addicted to alcohol, they probably would have a  
7 problem with paying attention during class.

8 Q. Okay. So does Harford County Public  
9 Schools admit that a student's addiction to alcohol  
10 can have a negative effect on that student's  
11 attention during class or -- or other school  
12 activities?

13 A. Yes. Likely.

14 Q. Does Harford County Public Schools  
15 admit that a student's regular abuse of alcohol can  
16 have a negative effect on that student's attention  
17 during class or other school activities?

18 A. Likely.

19 Q. Does Harford County Public Schools  
20 admit that a student's addiction to alcohol can  
21 have a negative effect on a student's behavior  
22 during class or other school activities?

23 A. If we had students addicted to alcohol,  
24 yes.

25 Q. Does Harford County Public Schools



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1 admit that a student's regular abuse of alcohol can  
2 have a negative effect on a student's behavior  
3 during class or other school activities?

4 A. Yes.

5 Q. Does Harford County Public Schools  
6 admit that a student's addiction to alcohol can  
7 have a negative effect on the student's academic  
8 performance?

9 A. Maybe. Maybe not.

10 Q. Does Harford County Public Schools  
11 admit that a student's regular abuse of alcohol can  
12 have a negative effect on the student's academic  
13 performance?

14 A. Maybe. Maybe not.

15 Q. In some cases, it can?

16 A. Possibly.

17 Q. Does Harford County Public Schools  
18 admit that poverty can have a negative effect on a  
19 student's mental, emotional, social or behavioral  
20 health?

21 MR. BYRD: Object to form. Vague.  
22 Poverty in the community -- okay. Never mind.  
23 Just vague.

24 THE WITNESS: Situational. Some cases,  
25 yes. Some cases, no.

1 BY MR. KEYES:

2 Q. Does Harford County Public Schools  
3 admit that poverty can have a negative effect on a  
4 student's attention during class or other school  
5 activities?

6 A. In some cases, yes. In some cases, no.

7 Q. Does Harford County Public Schools  
8 admit that poverty can have a negative effect on a  
9 student's behavior during class or other school  
10 activities?

11 A. In some cases, yes. Some cases, no.

12 Q. Does Harford County Public Schools  
13 admit that poverty can have a negative effect on a  
14 student's academic performance?

15 A. In some cases.

16 Q. Does Harford County Public Schools  
17 admit that a student being homeless can have a  
18 negative effect on a student's attention during  
19 class or other school activities?

20 A. In some cases.

21 Q. Does Harford County Public Schools  
22 admit that being homeless can have a negative  
23 effect on a student's mental, emotional, social or  
24 behavioral health?

25 A. In some cases.

1 Q. Does Harford County Public Schools  
2 admit that being homeless can have a negative  
3 effect on a student's behavior during class or  
4 other school activities?

5 A. In some cases.

6 Q. Does Harford County Public Schools  
7 admit that being homeless can have a negative  
8 effect on a student's academic performance?

9 A. In some cases.

10 Q. Does Harford County Public Schools  
11 admit that being the victim of abuse can have a  
12 negative effect on students' mental, emotional,  
13 social or behavioral health?

14 A. In some cases.

15 Q. Does Harford County Public Schools  
16 admit that being a victim of abuse can have a  
17 negative effect on students' attention during class  
18 or other school activities?

19 A. In some cases.

20 Q. Does Harford County Public Schools  
21 admit that being a victim of abuse can have a  
22 negative effect on a student's behavior during  
23 class or other school activities?

24 A. In some cases.

25 Q. Does Harford County Public Schools

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1 admit that being a victim of abuse can have a  
2 negative effect on a student's academic  
3 performance?

4 A. In some cases.

5 Q. Does Harford County Public Schools  
6 admit that COVID-19 had a negative effect on  
7 students' mental, emotional, social and behavioral  
8 health?

9 MR. BYRD: Object to form.

10 You can answer.

11 THE WITNESS: In general, COVID-19, the  
12 disease?

13 BY MR. KEYES:

14 Q. We'll take them one step at a time.  
15 Sure, COVID-19?

16 A. Yeah. I mean, some students died.

17 Q. Okay. Does Harford County Public  
18 Schools admit that the shutdown of in-person  
19 learning and the resulting isolation had a negative  
20 effect on students' mental, emotional, social and  
21 behavioral health?

22 MR. BYRD: Object to form.

23 You can answer.

24 THE WITNESS: So both the shutdown and  
25 the isolation combined?

1 BY MR. KEYES:

2 Q. Yes.

3 A. Yeah. And primarily, the biggest  
4 concern we had was, during that time, we had a  
5 70 percent drop in abuse and neglect reports. So  
6 we knew students were not being seen by the people  
7 who would normally report the abuse and neglect  
8 that were happening from their family members, in  
9 addition to the isolation creating a situation  
10 where people were more apt to be online and using  
11 devices and computers and trying to communicate not  
12 with face-to-face interaction, but through social  
13 media and other platforms.

14 Q. Does Harford County Public Schools  
15 admit that COVID-19, the shutdown of in-person  
16 learning and the commencement of virtual school,  
17 had a negative effect on students' mental,  
18 emotional, social and behavioral health?

19 MR. BYRD: Object to form. Asked and  
20 answered.

21 You can answer.

22 THE WITNESS: Well, you entered virtual  
23 school in there, so I don't know. It's hard to  
24 answer because you're asking about three different  
25 things: the shutdown, the isolation and virtual

1 school.

2 And I don't think all three of them had  
3 an impact on children's -- whatever you -- you said  
4 behavioral health?

5 BY MR. KEYES:

6 Q. Do you think virtual schooling had a  
7 negative effect on students' mental, emotional,  
8 social and behavioral health?

9 A. Social health. I can't speak directly  
10 to mental and -- and emotional.

11 Q. But you would say that virtual  
12 schooling had a negative effect on students' social  
13 health?

14 A. Absolutely.

15 Q. Does Harford --

16 A. By virtue of the fact that it had to be  
17 virtual because it couldn't be in person. Not  
18 because the virtual platforms were a problem.

19 Q. Does Harford County Public Schools  
20 admit that COVID-19, the shutdown of in-person  
21 learning and the commencement of virtual school had  
22 a negative effect on students' behavior?

23 A. Again, I can't attribute the changes to  
24 behavior on all three of those things.

25 So I believe a lot of the behavioral

1 issues we're seeing were due to what -- awful  
2 things that were happening in those houses during  
3 the time we were shut down, which is not to blame  
4 for the virtual school.

5 Q. So you're not putting blame on the  
6 virtual schooling. You're saying that because of  
7 COVID and the resulting shutdown of in-person  
8 learning, students were at home.

9 They were subject to whatever abuse may  
10 have been occurring in the home. They couldn't be  
11 seen by school professionals during that period of  
12 time, which allowed the abuse to continue?

13 A. In many cases, yes.

14 Q. Okay. Does Harford County Public  
15 Schools admit that COVID-19, the shutdown of  
16 in-person learning and the commencement of virtual  
17 school had a negative effect on students'  
18 attention -- attention span?

19 MR. BYRD: Object to form.

20 THE WITNESS: It's hard to create that  
21 direct link because that is the same time period  
22 where a lot of changes happened with technology and  
23 social media, which also contributed.

24 So it's hard to say which one created  
25 attention issues in which child. And for some

1 children, their attention issues -- there were no  
2 attention issues created. So it all -- it's just  
3 situational.

4 BY MR. KEYES:

5 Q. Well, does Harford County Public  
6 Schools admit that COVID-19, the shutdown of  
7 in-person learning and the commencement of virtual  
8 school played a part in reduced students'  
9 attention?

10 A. Long-term or during that time period?

11 Q. During that time period.

12 A. Potentially.

13 Q. How about long-term?

14 A. I don't know that there's any research  
15 about long-term impact on attention.

16 Q. Do you agree that gun violence can have  
17 a negative effect on students' mental, emotional,  
18 social or behavioral health?

19 MR. BYRD: Object to form.

20 THE WITNESS: Seeing it? Knowing about  
21 it? I'm not sure. Being a victim of it?

22 BY MR. KEYES:

23 Q. All right. Why don't we take them one  
24 at a time.

25 Do you agree that being a victim of gun



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1 violence can have a negative effect on students'  
2 mental, emotional, social or behavioral health?

3 A. Absolutely.

4 Q. Do you agree that seeing gun violence  
5 firsthand can have a negative effect on students'  
6 mental, emotional, social or behavioral health?

7 A. Absolutely.

8 Q. Do you agree that being aware of gun  
9 violence in your community can have a negative  
10 effect on students' mental, emotional, social or  
11 behavioral health?

12 MR. BYRD: Object to form.

13 THE WITNESS: Potentially.

14 BY MR. KEYES:

15 Q. Do you agree that active assailant  
16 drills or training for students can make them more  
17 stressed?

18 MR. BYRD: Object to form.

19 THE WITNESS: It depends on the  
20 student.

21 BY MR. KEYES:

22 Q. Do you agree that active assailant  
23 drills or training can make some students more  
24 stressed who are -- who are focused on the risk of  
25 an active shooter?

1           A.     If they're focused on the risk of  
2     active shooter, then yes.

3           Q.     Okay.

4                     (HCPS MD HENNIGAN EXHIBIT 5, Emails  
5     dated 9/19/19, Subject: Back to School, Bates  
6     HCPS\_00188517-518, was marked for identification.)  
7     BY MR. KEYES:

8           Q.     I'm showing you what has been marked as  
9     HCPS Exhibit 5. This was produced with the Bates  
10    Number HCPS\_00188517 through 518. It's a series of  
11    three emails.

12                    I'll ask you to focus on the email at  
13    the top. It's from Steve Richards to you on  
14    September 19th of 2019.

15                    Have you read that email?

16           A.     No. I'll read it now.

17           Q.     Okay.

18           A.     Okay.

19           Q.     Have you read the email you received  
20    from Steve Richards?

21           A.     Yes.

22           Q.     He's the supervisor of psychological  
23    services for Harford County Public Schools?

24           A.     Yes.

25           Q.     How long has he had that position?

1 A. About 28 years.

2 Q. And he forwarded you a video that was  
3 produced by the Sandy Hook Promise Foundation,  
4 correct?

5 A. Correct.

6 Q. And he says: Food for thought as we  
7 set out to train our students on ACRT.

8 Do you know what ACRT is?

9 A. I do. I don't know if I can say the  
10 acronym appropriately.

11 Q. Is it training for students on what to  
12 do in the event of an active assailant, including a  
13 shooter?

14 A. Active assailant critical response  
15 training, maybe. Yes.

16 Q. Okay. And you --

17 MR. BYRD: I'm sorry. I just object to  
18 this as, I think, beyond the scope of his topics.

19 But go ahead.

20 BY MR. KEYES:

21 Q. You -- you responded: Wow. I  
22 understand the point, but I found it disturbing.

23 What did you find disturbing about the  
24 video that Mr. Richards forwarded?

25 MR. BYRD: Object to form again and

1 beyond the scope. I don't think he's handling 41.

2 But go ahead.

3 THE WITNESS: I, frankly, don't  
4 remember the video.

5 BY MR. KEYES:

6 Q. Okay. And then Mr. Richards responded  
7 to your email.

8 He said: My -- my even greater concern  
9 is the impact all of this active assailant stuff is  
10 having on our kids, their loss of  
11 innocence/childhood, and is likely correlated with  
12 the rising numbers of school-age kids who are  
13 suffering from anxiety (anticipatory or real)  
14 depression, and other mental health issues.

15 Did I read that correctly?

16 A. Correct.

17 Q. Okay.

18 MR. BYRD: Objection. And, again,  
19 beyond the scope of his topics.

20 BY MR. KEYES:

21 Q. So did you disagree with Mr. Richards  
22 that the impact of all this active assailant stuff  
23 is kids having a loss of innocence or childhood?

24 MR. BYRD: Objection. Again, this is  
25 beyond his -- the scope of the topics he's

1 covering.

2 THE WITNESS: I don't remember if I  
3 agreed at the time.

4 BY MR. KEYES:

5 Q. Do you agree with it now?

6 MR. BYRD: Again, objection. Beyond  
7 the scope of the topics.

8 You're asking him to talk on behalf of  
9 the school district on something that he wasn't  
10 designated for.

11 THE WITNESS: So do I think that active  
12 assailant training is having an impact on students'  
13 loss of their childhood and innocence?

14 BY MR. KEYES:

15 Q. Yes.

16 MR. BYRD: You can -- you can ask --  
17 you can ask -- you can answer in your individual  
18 capacity, not on behalf of the school district on  
19 that.

20 THE WITNESS: Okay.

21 I -- I can't say I agree with that  
22 wholeheartedly.

23 BY MR. KEYES:

24 Q. Well, do you agree with it in part?

25 A. It depends on every child.

1 Q. Okay. So some -- some kids may  
2 experience a loss of innocence in childhood because  
3 of all the active assailant awareness and training?

4 A. I don't know. We have 38,000 students.  
5 I'd have to ask each one of them to know what their  
6 answer would be.

7 Q. Did you agree with Mr. Richards that  
8 the "active assailant stuff" is correlated with the  
9 rising numbers of kids who are suffering from  
10 anxiety?

11 A. I don't agree with that wholeheartedly.

12 Q. Do you agree with it in part?

13 A. It's hard to say. Many people,  
14 including myself and my department, are clinicians.  
15 Mr. Richards is not. So this is just a layperson's  
16 assumption and -- and opinion.

17 Q. You said he's been the supervisor of  
18 psychological services?

19 A. Correct.

20 Q. For how many years?

21 A. Twenty-eight.

22 Q. And so you don't credit his view?

23 A. I didn't say I don't credit his view.

24 Q. You just think it's his layperson's  
25 assumption and opinion?

1           A.     He's not a clinician.    So anybody who  
2     talks about a mental health diagnosis that hasn't  
3     been trained is not a clinician and is just stating  
4     their opinion.

5           Q.     Do you agree with Mr. Richards that the  
6     "active assailant stuff," that is, the awareness  
7     and the training, is correlated with a rising  
8     number of kids suffering from depression?

9           A.     Same answer.

10          Q.     Do you agree with Mr. Richards that the  
11     "active assailant stuff," that is, the awareness  
12     and the training for active assailants, is  
13     correlated with a rising number of kids suffering  
14     from other mental health issues?

15          A.     Same answer.

16                   (HCPS MD HENNIGAN EXHIBIT 6, Emails  
17     dated 1/28/21, Subject:   Mental Health & COVID,  
18     Bates HCPS\_00199872-874, was marked for  
19     identification.)

20     BY MR. KEYES:

21           Q.     I'm showing you what has been marked as  
22     HCPS Exhibit 6.   This was produced to us with the  
23     Bates Numbers HCPS\_00199872 through 199874.

24                   This is an email from Kathryn Jenkins  
25     on January 28th, 2021, to a number of people in

1 Harford County Public Schools, including you. The  
2 subject is: Re: Mental Health & COVID.

3 MR. BYRD: Which topic are we on here?

4 MR. KEYES: Topic 45.

5 MR. BYRD: 45. Okay.

6 BY MR. KEYES:

7 Q. Have you read it?

8 A. Yes.

9 Q. Okay. Do you know who Kathryn Jenkins  
10 is in Harford County Public Schools?

11 A. Yes. I believe she's one of our school  
12 psychologists.

13 Q. Do you know what schools she worked in  
14 back in 2021?

15 A. I don't.

16 Q. Do you know what school she works in  
17 now?

18 A. I don't.

19 Q. She appears to be forwarding -- or  
20 responding to an article that Steve sent around,  
21 Steve Richards, correct?

22 A. Yeah. I'm sorry. I was just confused  
23 by something she wrote.

24 He forwarded an article to, it looks  
25 like, all the school psychologists, and she



1       responded.

2               Q.     It was an article in "The Washington  
3       Post" on the mental health impact of the pandemic  
4       on schoolchildren?

5               A.     Correct.

6               Q.     And then she responds to it. Did you  
7       click on the link to read the article?

8               A.     Are you asking me?

9               Q.     Yes.

10              A.     I don't remember.

11              Q.     Okay. She says: I am seeing this  
12       every time I go to work... almost every day/night,  
13       we have at least one (but often more than one) new  
14       patient coming into the emergency department with  
15       suicidal ideation and/or attempts. Kids as young  
16       as eight to nine years old who are hopeless, sad  
17       and unable to cope with the isolation, so they want  
18       to die... and older kids/teens who are  
19       self-medicating, actively overdosing, standing in  
20       traffic, and trying to find any way to end their  
21       lives.

22                    They say they miss being in school,  
23       seeing their friends and teachers, interacting with  
24       peers, participating in sports, and having a reason  
25       to get up each day.

1 Do you see that language?

2 A. Yes.

3 Q. Is her observation consistent or  
4 inconsistent with your observations during the  
5 pandemic?

6 MR. BYRD: Object to form.

7 You can answer.

8 THE WITNESS: Well, frankly, I'm  
9 confused on why she's in an emergency department  
10 unless she's working nights because she's a  
11 full-time school psychologist. So I'm a little  
12 confused by this whole email.

13 If she's a full-time employee of ours,  
14 how is she working in an emergency department? So  
15 I -- this is confusing to me from the outset.

16 BY MR. KEYES:

17 Q. Okay. Is her observation that she's  
18 seeing, every day, kids who are hopeless, sad and  
19 unable to cope with the isolation consistent or  
20 inconsistent with your observations during the  
21 pandemic?

22 MR. BYRD: Objection to form. This  
23 is -- what's the date? Object to form. Vague as  
24 to time.

25 THE WITNESS: I mean, it's completely

1 inconsistent what I saw in my house, so...

2 BY MR. KEYES:

3 Q. Okay. Well, if we expand it beyond  
4 your household to the student population in  
5 Harford County Public Schools, were you getting  
6 reports of students who were hopeless, sad and  
7 unable to cope with the isolation during the  
8 pandemic?

9 A. I think I recall some reports of that.

10 Q. And were you also, during the pandemic,  
11 getting reports that Harford County Public School  
12 students said they miss being in school, they miss  
13 seeing their friends and teachers, they miss  
14 interacting with peers, participating in sports and  
15 having a reason to get up each day?

16 A. Yes. And some of that we still see  
17 today, so...

18 Q. So when she says that kids were saying  
19 they missed being in school, seeing their friends  
20 and teachers, interacting with peers, participating  
21 in sports and having a reason to get up each day  
22 consistent with your overall experience during the  
23 pandemic?

24 A. Well, not consistent among all  
25 students, but it's consistent in the fact that some

1 students felt this way.

2 Q. And are you able to quantify in any way  
3 the number of students who felt that way during the  
4 pandemic?

5 A. No.

6 Q. Have you seen any quantitative data or  
7 studies or reports that quantified the feelings of  
8 students being isolated during the pandemic?

9 A. Yes, I've read reports about the  
10 various positive and negative impacts of the  
11 pandemic.

12 Q. And what -- what do the reports about  
13 the various negative impacts of the pandemic say  
14 that you read?

15 A. There was concerns with students having  
16 too much screen time; spending most of their day  
17 online, on their phones, on social media;  
18 students -- children not interacting with peers the  
19 way they did prior to the advent of cell phones and  
20 pandemic; concerns about students' physical  
21 activity the way we were seeing prepandemic, that  
22 being reduced by phones and social media, that it  
23 was then also happening during the pandemic because  
24 of the social isolation.

25 Q. What is an ACE?

1 A. An adverse childhood experience.

2 Q. What is an adverse childhood  
3 experience?

4 A. So this is an acronym or term that came  
5 out of a study that was done in California  
6 regarding ten childhood experiences that have been  
7 directly linked to physical and mental health  
8 outcomes in adulthood.

9 Q. Are you able to identify for me any of  
10 the ten childhood experiences that are directly  
11 linked to physical and mental health outcomes in  
12 adulthood?

13 A. Yes.

14 Q. What are they?

15 A. Death of a parent, divorce, substance  
16 abuse by a parent, abuse and neglect. That's all I  
17 can recall now, but I should know these by heart.

18 Q. You believe there are ten of them?

19 A. Yes.

20 Q. Okay. Does Harford County Public  
21 Schools collect data on what adverse childhood  
22 experiences its students have experienced?

23 A. The school system does not, but the  
24 county does.

25 Q. When you say "the county," are you

1 referring to the Harford County Health Department?

2 A. I believe it's the health department  
3 that would have gathered that data, but I'm not  
4 sure.

5 Q. Does the Harford County Health  
6 Department share that data with Harford County  
7 Public Schools?

8 A. Yes.

9 Q. How?

10 A. Through reports, PowerPoints. We have  
11 a school health advisory committee that meets  
12 regularly throughout the school year.

13 Q. And do you get these reports from the  
14 Harford County Health Department?

15 A. I have.

16 Q. What, if anything, do you do with them?

17 A. We've shared them with our team. We've  
18 used them in our presentations to the Board of  
19 Education and various other presentations at  
20 conferences, to parents and such.

21 Incarceration of a parent was another  
22 one. Sorry.

23 Q. You testified earlier that you were  
24 part of a working group that studied students' use  
25 of cell phones or personal devices at school and

1 then that work translated into a policy that the  
2 Board of Education adopted. Did I get that right?

3 A. That all occurred except I was not a  
4 part of it.

5 Q. You were not a part of it?

6 A. Correct.

7 Q. Okay. And what does that current  
8 policy say about students' access to or use of cell  
9 phones or personal electronic devices at school?

10 A. I'm not particularly sure what the  
11 elementary piece is, but middle school students  
12 need to put it in their locker when they get to  
13 school and can't have it until they leave school.

14 High school students are not allowed to  
15 have it out and access it during academic time, but  
16 they can have it in the hallways and at lunch for  
17 now.

18 Q. Is the policy reflected in writing?

19 A. Yes.

20 (HCPS MD HENNIGAN EXHIBIT 7, Policy  
21 Title: Portable Communication Devices, Effective  
22 6/11/1990, Most Recently Amended 3/18/2024, was  
23 marked for identification.)

24 BY MR. KEYES:

25 Q. I'm showing you what has been marked as

1 HCPS Exhibit 7.

2 MR. KEYES: That will be 22.

3 BY MR. KEYES:

4 Q. Is this the policy?

5 A. I assume it's the final version that  
6 went into effect the start of this school year. So  
7 this would make sense that the last amendment was  
8 last March.

9 Q. Have you read this policy before today?

10 A. Yes.

11 Q. When did you first read it?

12 A. I believe I was sent a copy for my  
13 review and any potential edits probably last  
14 spring.

15 Q. Before this policy was adopted by the  
16 Board of Education, did you suggest any changes to  
17 it?

18 A. I may have. I don't recall specifics.

19 Q. Did you advocate for or against it  
20 being adopted by the Board of Education?

21 A. For.

22 Q. Why?

23 A. We are seeing a high usage of -- well,  
24 several reasons. One, I have three daughters and  
25 wasn't really happy about any unfettered access for



1       them to use their phones during the school day.

2               Secondly, the increase in bullying,  
3       harassment that was occurring as a result of social  
4       media access was something we wanted to curb.

5               In addition to that, we were finding  
6       that the landscape was changing in that a lot of  
7       our fights were being orchestrated through social  
8       media and set up through social media.

9               We were also finding that a lot of the  
10       fallout from fights were coming because students  
11       were filming the fights and posting them on social  
12       media and then causing another incident that had to  
13       be investigated, in addition to the fact that I had  
14       read a study -- and I don't know the exact numbers  
15       on it, but on the number of notifications a child  
16       gets in a one-hour period from their social media  
17       and how that is distracting them from paying  
18       attention in class.

19               So those, among other things, led me to  
20       believe that students not having access to the  
21       phones would be helpful.

22               Q.     You said, "those, among other things."  
23       What are the other things that led you to advocate  
24       for Exhibit 7 being adopted by the Board of  
25       Education?

1           A.     Going into schools and seeing children  
2     not socializing with each other, especially during  
3     lunch, and being on their social media apps rather  
4     than having face-to-face interactions.

5                 We had an incident last year where our  
6     seniors play a game called Senior Assassin, where  
7     they shoot each other with water guns and there's  
8     all these fun rules around it.

9                 And a child was waiting outside the  
10    house of another girl, and the parents didn't know  
11    this was a game and called the police. And the  
12    police all came with their guns drawn, which could  
13    have been fatal for this child.

14                Again, all of that occurred because of  
15    they had the social media platform to share who the  
16    winners were and who shot who.

17                So it was getting to be dangerous.

18                Seeing in my own personal life, as the  
19    kids in my neighborhood get older and get social  
20    media, they stop coming out of their houses.

21                And so I realized that there is a real  
22    negative impact on their need to have the phones  
23    continually with them and to be able to access the  
24    social media.

25                In addition to that, just so many other

1 things that I've learned. You know, when I think  
2 about the suicide ideation and how, when Apple came  
3 out with the forward-facing camera, that really is  
4 when anxiety, depression and suicide for girls  
5 skyrocketed.

6 Because they were now taking pictures  
7 of themselves, posting them on social media,  
8 knowing they're imperfect but thinking everybody  
9 else was perfect. And then that leading to them  
10 not feeling very good about themselves.

11 So I really -- when I think about these  
12 policies, I think about all the kids. But I really  
13 think about my children.

14 And when you realize the impact -- I  
15 mean, I don't have boys. They're equally impacted.

16 But the impact that social media is  
17 having on the self-esteem and happiness of our --  
18 of our children, especially our daughters, I  
19 just -- I felt as if they could go through six  
20 hours a day without the device, they might start to  
21 learn that they didn't have to have it at all  
22 times.

23 Q. Has the Board of Education's adoption  
24 of the policy, HCPS Exhibit 7, had an impact on  
25 students' use of cell phones or other personal

1 electronic devices at school?

2 MR. BYRD: Object to form.

3 THE WITNESS: Absolutely.

4 MR. BYRD: Object to form.

5 You can answer.

6 THE WITNESS: Absolutely.

7 BY MR. KEYES:

8 Q. What is that impact?

9 A. So there's a few data points I could  
10 speak to anecdotally.

11 I could say on school visits not seeing  
12 phones like I used to. Speaking to people in my  
13 personal life knowing that their children are not  
14 having their phones during the day.

15 But in that board presentation I  
16 alluded to in April, we have seen a drastic,  
17 probably a 30 to 40 percent drop in fights this  
18 school year. And a lot of that can be attributed  
19 to the fact that children don't have access to the  
20 social media platforms to orchestrate the fights.

21 And we know that they typically will  
22 fight in school because they know someone will stop  
23 it. It's too dangerous to fight outside of school.  
24 So their inability to orchestrate those fights  
25 through social media and having the phones, we've

1     seen a major drop in that data point.

2             Q.     Are there other data points you can  
3     identify besides the 30 to 40 percent decrease in  
4     fights that you identify as a positive impact of  
5     the new cell phone policy?

6             A.     So there's other data points, such as  
7     disruption. And that might be the only one that  
8     comes to mind readily that I was seeing a major  
9     drop in disruption as well.

10            Because there was a lot of a power  
11     struggle between teachers, staff members and  
12     students due to the addiction they had and not  
13     wanting to give -- give up the cell phone when  
14     asked for it.

15            And that was causing serious -- serious  
16     issues and disruptions, which we have seen a major  
17     decline in this school year to the point that our  
18     Board of Education is now considering the high  
19     school students have the same policy as the middle  
20     school students next year in that they can't even  
21     have it outside of their locker.

22            Q.     You said there was a major drop or a  
23     major decline in disruption. Are you able to put  
24     numbers on it?

25            A.     I can't. Sorry.

1 Q. Okay. But if -- if you were asked to  
2 identify data points separate from anecdotes that  
3 show the positive impact of the new cell phone  
4 policy, you would identify, number one, a 30 to  
5 40 percent decrease in fights; and, number two, a  
6 major decline in disruption. Is that fair?

7 A. That's the only quantitative data I can  
8 think of currently.

9 Q. Okay. Do you wish the Board of  
10 Education had adopted this policy earlier in time?

11 MR. BYRD: Object to form.

12 THE WITNESS: I don't know if I "wish."  
13 I don't think it would have been a negative thing.

14 BY MR. KEYES:

15 Q. Okay. Why -- if you're seeing positive  
16 results from adoption of the cell phone policy,  
17 why -- why don't you wish the policy had gone into  
18 effect earlier in time?

19 MR. BYRD: Object to form.

20 THE WITNESS: Well, I don't "not wish."  
21 I'm just saying I have to think about all the  
22 factors.

23 I mean, it -- it took a long time to  
24 get parents on board. It took a long time to get  
25 staff prepared for it.

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1                   So it -- it's just hard. It's hard to  
2                   guess what would have been the difference if we did  
3                   this two years ago, three years ago.

4                   I -- I -- I think, in the end, it  
5                   likely would have been mostly positive.

6                   BY MR. KEYES:

7                   Q.     Were parents resistant to the adoption  
8                   of this policy?

9                   MR. BYRD:   Object to form and beyond  
10                  the scope.

11                  But go ahead and answer.

12                  THE WITNESS:   Some parents are not --  
13                  some parents were resistant to their children not  
14                  having access to the phone because the problem that  
15                  has been created is that the phone has become what  
16                  parents see as a necessary thing for their children  
17                  to have with regards to accessing them through text  
18                  and phone; but then also, equally, having the  
19                  fragmented opinion about what they can access  
20                  through the phone.

21                  So, for instance, YouTube is on most --  
22                  in our wellness needs assessment, YouTube is our  
23                  most accessed -- what's the word I'm looking for?  
24                  Not database but --

25                  BY MR. KEYES:

1 Q. Platform?

2 A. -- platform because children don't have  
3 to ask for permission to get on it.

4 And so parents have got this torn  
5 feeling that, I need my child -- which I don't  
6 agree they do. -- need my child to have a phone so  
7 I can access them, but yet I don't want them to  
8 access the things that are, you know, deleterious  
9 to their mental health.

10 So then they're torn with that: Which  
11 is a greater pull for me, the keeping them off the  
12 things they shouldn't be seeing or having access?

13 And a lot of parents are deferring to  
14 the access piece and thinking they can do their  
15 best to keep them from the negative side of it.

16 So some parents were resistant to it  
17 because they felt, I need to get to my child in an  
18 emergency.

19 Q. Did you have any role in the  
20 development of the policy that preceded the current  
21 policy?

22 A. I don't think so. I don't even know if  
23 we had one before this. I'm sure we did, but...

24 Q. Do you know what the policy, written or  
25 not written, was on cell phones within the district



1 before the current policy was adopted?

2 A. I don't.

3 Q. Are you aware of any alternative  
4 policies that were considered by Harford County  
5 Public Schools but rejected before the current  
6 policy was adopted?

7 A. Well -- well, all I'd say is that this  
8 policy was based on the policy of other counties.  
9 But whether we brought one forward which was  
10 rejected, revised, and then approved, I don't  
11 remember.

12 Q. Okay. So do you have any knowledge of,  
13 at any point, Harford County Public Schools  
14 developing an -- an alternative policy that was  
15 then considered and rejected before it adopted the  
16 current policy?

17 MR. BYRD: Object to form.

18 THE WITNESS: It sounds familiar that  
19 we may have had multiple versions which we had to  
20 make a decision on. But I don't really  
21 specifically remember.

22 BY MR. KEYES:

23 Q. Has Harford County Public Schools ever  
24 adopted a policy that requires students to submit  
25 or deposit their cell phones or personal electronic

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1 devices with a teacher or the school before classes  
2 start at the beginning of the school day?

3 A. We had a practice. I don't know that  
4 we had a policy.

5 So I've seen those caddies in some  
6 schools that I've gone to, so that tells me there  
7 was a practice of doing that.

8 But I don't know that we -- we  
9 definitely didn't have a systemwide policy that  
10 children had to do that.

11 Q. Have any schools used Yondr pouches?

12 A. I believe we have one school currently  
13 who does, I believe.

14 Q. What is that school?

15 A. Swan Creek School. I think.

16 Q. Have any other Harford County Public  
17 Schools schools used something Yondr-like, even if  
18 it's not a Yondr pouch?

19 MR. BYRD: Object to form.

20 THE WITNESS: I don't believe so, but I  
21 don't know.

22 BY MR. KEYES:

23 Q. Were you a part of any discussion over  
24 whether Harford County Public Schools as a district  
25 should require students in all schools to submit

1 or -- or deposit their cell phones or personal  
2 electronic devices with a teacher of the school  
3 before classes start?

4 A. Sounds familiar that that may have been  
5 one of the iterations of the final policy. But I  
6 don't really remember if that was put forth to the  
7 board.

8 Q. What do you remember about discussions  
9 about that idea of a policy?

10 A. I just -- it sounds like a familiar  
11 conversation. I -- I don't -- I don't know how far  
12 it got. But it sounds like we talked about that as  
13 being a potential solution, likely not a  
14 financially possible solution for us.

15 Q. Well, do you -- do you remember hearing  
16 anyone articulate reasons why Harford County Public  
17 Schools should not adopt that as a policy, should  
18 not require that all students deposit or submit  
19 their cell phones or personal electronic devices to  
20 a teacher or a school before class starts?

21 A. Yeah. I mean, I think there's obvious  
22 concerns people would have about that.

23 Q. What are the obvious concerns about  
24 that approach?

25 A. Things going missing and things getting

1 broken. Things being stolen. Power struggles  
2 between teachers, student and staff.

3 Q. Any other reasons you remember people  
4 articulating?

5 A. Those are the big ones that stand out.

6 Q. Under the current policy, do school  
7 administrators confiscate phones for violations of  
8 the policy?

9 A. Yes.

10 Q. Is that a required consequence?

11 A. I don't know if it's required. But I  
12 believe there was a step process that was put out  
13 to staff about what to do in the first instance,  
14 second instance and so forth.

15 Q. Where is that reflected in writing?

16 A. I don't know. I remember seeing a  
17 document or an email that spelled out that --  
18 spelled that out.

19 I don't know if it's in this policy. I  
20 don't think it is. But I feel like there was a  
21 training, if you will, provided to schools for them  
22 to -- you know, how to treat.

23 We didn't want to say, "If a student  
24 has their phone out, you take it and suspend them  
25 right away." So it was a sort of a tiered

1 approach.

2 Q. Before the current policy was adopted  
3 by the Board of Education, did administrators  
4 confiscate students' phones for using them during  
5 class?

6 A. Yes. Absolutely.

7 Q. Was there any discussion within Harford  
8 County Public Schools about not confiscating phones  
9 because of a concern that the district would have  
10 some kind of liability if the phones went missing  
11 or the phones were damaged when in the school's  
12 possession and not the student's possession?

13 MR. BYRD: Object to form.

14 THE WITNESS: There was definitely  
15 conversation about that with regards to collecting  
16 them at the start and end of every class. Whether  
17 there was conversation about that with regards to a  
18 student being completely obstinate and not -- and  
19 refusing to give the phone up, I don't know if  
20 anybody ever took the stance to say, "Never take  
21 it."

22 While we identify the power struggle  
23 and the potential that could happen with loss or  
24 breakage, I don't know that we would ever get to  
25 the point where we say, "Never touch a phone."

1 But -- there's definitely issues buried into that  
2 conversation that would occur between the student  
3 and the staff.

4 BY MR. KEYES:

5 Q. What do you mean there's definitely  
6 issues buried in the conversation that would occur  
7 between the student and the staff?

8 A. Well, what I've seen over the years is  
9 that students have become so addicted to getting  
10 onto their social media on their phone that  
11 someone's desire to take that from them is  
12 equivalent to taking a drug from a drug addict,  
13 that they would rather do anything than give that  
14 up, including fighting and cursing and pushing and  
15 shoving or running.

16 Q. Has Harford County Public Schools filed  
17 a lawsuit against anyone, besides the defendants in  
18 this lawsuit, where they've alleged that those  
19 parties are responsible for injury to students'  
20 mental, social, emotional or behavioral health?

21 A. I don't know.

22 Q. Has Harford County Public Schools filed  
23 a lawsuit against anyone, besides the defendants in  
24 this lawsuit, where they've alleged that those  
25 parties are responsible for injury to Harford

1 County Public Schools arising from or in connection  
2 with students' mental, social --

3 MR. BYRD: Object --

4 BY MR. KEYES:

5 Q. -- emotional or behavioral health?

6 MR. BYRD: Object to form. What's the  
7 topic number here?

8 MR. KEYES: Forty --

9 MR. BYRD: And also --

10 MR. KEYES: 47.

11 MR. BYRD: Okay. Just let me make sure  
12 because -- okay.

13 MR. KEYES: Yeah.

14 MR. BYRD: Thank you. Got it.

15 BY MR. KEYES:

16 Q. Let me repeat the question.

17 Has Harford County Public Schools filed  
18 a lawsuit against anyone, besides the defendants in  
19 this lawsuit, where they've alleged that those  
20 parties are responsible for injury to Harford  
21 County Public Schools arising from or in connection  
22 with students' mental, social, emotional or  
23 behavioral health?

24 MR. BYRD: So, objection.

25 You -- you can answer to the extent

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1 that there's anything filed. Don't disclose any  
2 discussions you ever had with counsel regarding any  
3 potential lawsuits, okay?

4 THE WITNESS: Got it.

5 Yes, I believe with regards to  
6 behavioral health, there was a lawsuit against  
7 JUUL.

8 BY MR. KEYES:

9 Q. Any others?

10 A. Not to my knowledge, but I'm not always  
11 privy to all that.

12 Q. Are the defendants in this case the  
13 only parties that Harford County Public Schools  
14 believes are responsible for the decline in  
15 students' mental, emotional, social or behavioral  
16 health?

17 MR. BYRD: Object to form.

18 Hold on. And same instruction. You  
19 cannot disclose any information that you have  
20 received from general counsel or us or your outside  
21 counsel as it relates to this question.

22 "Believes are responsible"? But you  
23 can answer it beyond any -- you know, your own  
24 understanding without attorneys revealing  
25 attorneys' communications.



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1 THE WITNESS: Okay. Could you rephrase  
2 it, please?

3 BY MR. KEYES:

4 Q. Yeah. It's Topic 48.

5 Are the defendants in this case the  
6 only parties that Harford County Public Schools  
7 believes are responsible for the decline in  
8 students' mental, emotional, social or behavioral  
9 health?

10 MR. BYRD: Same instruction. So you  
11 can answer with -- with the instruction about don't  
12 revealing [sic] any communications with attorneys.

13 THE WITNESS: I can't answer that for  
14 the system.

15 BY MR. KEYES:

16 Q. Well, you're the designated  
17 representative on Topic 48, right?

18 A. I am. So --

19 Q. Okay. So as the corporate  
20 representative of Harford County Public Schools,  
21 are the defendants in this case the only parties  
22 that Harford County Public Schools believes are  
23 responsible for contributing to students' mental,  
24 emotional, social or behavioral health problems?

25 MR. BYRD: Object to form.

1 But you can answer to the extent you  
2 don't reveal communications with counsel that --  
3 and don't reveal communications about any potential  
4 lawsuits. But go ahead.

5 THE WITNESS: That's a hard question to  
6 answer. I can't speak for the whole system when  
7 you're saying that there's -- these are the only  
8 people responsible for issues with students' mental  
9 health.

10 BY MR. KEYES:

11 Q. But you are the system here, sir. You  
12 are --

13 A. I am. This --

14 Q. -- the corporate representative for  
15 Harford --

16 A. Number 48 doesn't say excluding anybody  
17 else. So you're asking me to exclude everybody  
18 else who could be contributing to a student's  
19 behavioral health, mental health, physical health,  
20 but 48 doesn't say that.

21 Q. To -- to the contrary. I'm not asking  
22 to exclude anyone.

23 A. Well, you're saying you're the only  
24 people responsible -- that we find responsible. I  
25 believe that's what your question said.

1 Q. Yeah. So does Harford County Public  
2 Schools believe that others besides the defendants  
3 in this case are responsible for contributing to  
4 students' mental, emotional, social or behavioral  
5 health problems?

6 MR. BYRD: Object to form.

7 And you can answer to the extent you  
8 don't reveal any communications with counsel.

9 THE WITNESS: Yes.

10 BY MR. KEYES:

11 Q. Okay. Who?

12 A. For one, we spoke about JUUL.

13 Q. Anyone else?

14 A. Are you talking about organizations?

15 Q. Any individuals or entities?

16 A. Sure. Community members, parents.

17 Q. Who else?

18 A. Other students.

19 Q. Who else?

20 A. I can't think of any off the top of my  
21 head.

22 Q. Okay. And -- and why does Harford  
23 County Public Schools believe that community  
24 members are responsible for contributing to  
25 students' mental, emotional, social or behavioral

1 health problems?

2 MR. BYRD: I'm going to object.

3 And you've also said that he's  
4 designated on this topic, but that means you need  
5 to keep the question to the topic. And the topic  
6 says "has claimed in writing." Okay? And -- and  
7 he is prepared to answer, and he did about JUUL,  
8 about people in writing. He's not prepared to talk  
9 about all categories of people, nor is he going to.

10 It says: All categories of persons,  
11 entities, issues that the school district has  
12 claimed in writing or has reason to believe.

13 And so I just -- I don't know if he's  
14 prepared to answer this. And maybe we need to  
15 talk about it, but he is prepared to answer the  
16 "in writing" question.

17 MR. KEYES: Well, as you just flagged,  
18 this topic is not limited to claims in writing. It  
19 also includes "has reason to believe."

20 BY MR. KEYES:

21 Q. So, again, sir, as Harford County  
22 Public Schools' corporate representative who just  
23 said that they believe that community members are  
24 responsible for contributing to students' mental,  
25 emotional, social or behavioral health problems,

1 I'm asking you why?

2 MR. BYRD: Object to form of the  
3 same -- wait.

4 You can go ahead and answer.

5 THE WITNESS: Because there are times  
6 that community members have abused children.

7 BY MR. KEYES:

8 Q. Any other reason?

9 A. For community members?

10 Q. Yes.

11 A. Things that are impactful to their  
12 social, emotional, mental health that they witness.

13 Q. Any other reason?

14 A. Not that I can think of.

15 Q. Okay. And why does Harford County  
16 Public Schools believe that parents are responsible  
17 for contributing to students' mental, emotional,  
18 social or behavioral health problems?

19 MR. BYRD: Object to form.

20 THE WITNESS: So part of the reason for  
21 me creating the zero-to-eight work group is that we  
22 have seen with the advent of phones and social  
23 media a complete decline in -- I shouldn't say  
24 "complete." Let me retract that -- a decline in  
25 some parents taking the responsibility for raising

1 their children in a way that would prepare them for  
2 school.

3 So starting with the moment the baby is  
4 born and parents being on their phone and on their  
5 social media apps instead of engaging with their  
6 children; on their social media apps when they're  
7 breast-feeding instead of making eye contact with  
8 their child and building that trust with them; and  
9 allowing their children to, during their downtime,  
10 engage with social media apps on phones and  
11 tablets, which then presents a problem when they  
12 come to pre-K and kindergarten and are expected to  
13 attend to school.

14 So what we find is that many parents  
15 will claim that the things we're seeing in the  
16 building, like urinating, spitting, biting,  
17 punching, kicking, slapping, cursing, running, from  
18 a three- and four-year-old don't happen in their  
19 home.

20 And a lot of times, we find it doesn't  
21 happen in the home because their child is never  
22 challenged, never asked to do anything that's hard,  
23 never asked to attend, but yet is provided with a  
24 tablet or a phone to engage in behavior on that  
25 while the parent simultaneously is engaging with

1 social media apps on their phone.

2 So we have children showing up to  
3 kindergarten that are not potty-trained, children  
4 showing up to kindergarten that have no ability to  
5 attend to anything longer than 30 seconds because  
6 they've spent five years of their life watching  
7 30-second videos on YouTube and other platforms.

8 So until parents begin to understand  
9 the serious consequences their children will suffer  
10 when they show up to school having spent five years  
11 on a tablet, we're going to continue to see this go  
12 across the country.

13 And earlier you asked about poverty.  
14 And ten years ago, we would have said that our  
15 highest problematic behaviors were in our most  
16 impoverished school.

17 But now it's everywhere, and it's  
18 pervasive with our four-, five- and six-year-olds  
19 in every school. And the one thing that is common  
20 among all of them, regardless of their income, is  
21 their access to technology.

22 BY MR. KEYES:

23 Q. Why does Harford County Public Schools  
24 believe that students are responsible for  
25 contributing to other students' mental, emotional,

1 social or behavioral problems?

2 A. So the discipline dashboards, the  
3 bullying and harassment dashboards and attendance  
4 dashboards, all of those pieces of data tell a  
5 story about how children are treating other  
6 children and that impact on them wanting to attend  
7 school or that impact on their behavior during the  
8 school day.

9 And what we're finding is that while  
10 children are socializing in person less and  
11 gathering in groups less, they are communicating  
12 through social media even more.

13 So it's not the interactions. It's how  
14 they're interacting, which has changed, and  
15 completely changed the landscape of what schools  
16 look like.

17 Q. You've identified community members,  
18 parents and other students.

19 Does Harford County Public Schools  
20 believe that any companies besides the defendants  
21 in this case are responsible for contributing to  
22 students' mental, emotional, social or behavioral  
23 health problems?

24 MR. BYRD: Object to form. Asked and  
25 answered.



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1 THE WITNESS: Yes. I answered that.  
2 JUUL was one. But JUUL is not exclusive. I would  
3 say any vaping product.

4 BY MR. KEYES:

5 Q. Okay. Does Harford County Public  
6 Schools believe that any companies besides the  
7 defendants in this case and the makers of any  
8 vaping product are responsible for contributing to  
9 students' mental, emotional, social or behavioral  
10 problems?

11 MR. BYRD: Object to form.

12 THE WITNESS: I mean, I suppose -- I'm  
13 sorry. The -- the -- the noun you're using, you're  
14 saying "companies"?

15 BY MR. KEYES:

16 Q. Yes.

17 A. So I can't point to specific companies.  
18 But you alluded to things earlier like alcohol.  
19 And you didn't mention it, but tobacco.

20 Q. Okay. So you would list the defendants  
21 in this case, JUUL, the makers of other vaping  
22 products, alcohol companies and tobacco companies?

23 MR. BYRD: Object to form.

24 BY MR. KEYES:

25 Q. Is that correct?

1           A.     As well as the -- we talked about  
2     students, parents and community members, yes.

3           Q.     Okay. Does Harford County Public  
4     Schools believe that the companies that run other  
5     social media platforms bear any responsibility for  
6     contributing to students' mental, emotional, social  
7     or behavioral health problems?

8           MR. BYRD: Object to form.

9           And, also, don't reveal any  
10    communications with counsel.

11          THE WITNESS: Can I have examples?  
12    Because I'm -- I'm not really sure which -- which  
13    ones would be excluded or not included in here that  
14    we'd be talking about.

15    BY MR. KEYES:

16          Q.     Well, yeah. Sure. If you go to Page 6  
17    of Exhibit 2?

18          MR. BYRD: If we're going to change  
19    topics pretty soon, let's --

20          MR. KEYES: It's the same. It's the  
21    same topic.

22          MR. BYRD: Okay. I'm just saying.

23    BY MR. KEYES:

24          Q.     Are you on Page 6?

25          A.     Yes.

1 Q. Definition 3 is: Online Media &  
2 Communications Services.

3 I don't know if you've read this  
4 definition before.

5 A. I have.

6 Q. You have. Okay?

7 A. But I just don't recall the exact --

8 Q. Yeah. So it --

9 A. -- folks that were in here.

10 Q. It gives a list of other companies  
11 besides the defendants in this case that fall  
12 within the definition of "Online Media &  
13 Communications Services."

14 So does Harford County Public Schools  
15 believe that any of the companies listed in  
16 Paragraph 3 on Page 6 are responsible for  
17 contributing to students' mental, emotional, social  
18 or behavioral health problems?

19 MR. BYRD: Object to form. Asked and  
20 answered.

21 THE WITNESS: Yes.

22 BY MR. KEYES:

23 Q. Which ones? All of them?

24 A. Some of them, I don't know. So I --  
25 I --

1 Q. Okay. Well, which ones --

2 A. But I guess if I'm speaking on behalf  
3 of the system and we're in this lawsuit, then I'd  
4 say yes.

5 Q. Excuse me?

6 A. I would say yes if I'm speaking on  
7 behalf of the system and not me personally.

8 Q. Okay. You are speaking on behalf of  
9 the system, Harford County Public Schools.

10 A. Then I would say yes.

11 Q. All of them?

12 A. Yes.

13 Q. Okay. So just because there was some  
14 back-and-forth, does Harford County Public Schools  
15 believe that BeReal, Discord, GroupMe, Kik, Omegle,  
16 Pinterest, Reddit, Twitch, Tumblr, WhatsApp, X  
17 (formerly known as Twitter) and Yik Yak are  
18 responsible for contributing to students' mental,  
19 emotional, social or behavioral health problems?

20 MR. BYRD: Object to form. Foundation.

21 THE WITNESS: Yes.

22 BY MR. KEYES:

23 Q. Okay. So you've listed community  
24 members, parents, other students, JUUL, other  
25 makers of vaping products, alcohol companies,

1 tobacco companies, and all of the companies listed  
2 as "Online Media & Communications Services" on  
3 Page 6 of Exhibit 2.

4 A. Is there a reason --

5 MR. BYRD: I'm sorry.

6 Object to form.

7 THE WITNESS: Is that the question?

8 BY MR. KEYES:

9 Q. That's what you've listed so far.

10 A. Is there a reason you didn't say the  
11 first four: Facebook, Instagram, Snapchat, TikTok  
12 and YouTube? The first five?

13 Q. Yes. Because this line of questioning  
14 is does Harford County Public Schools believe that  
15 there are any parties besides the defendants in  
16 this case --

17 A. Got it.

18 Q. -- who are responsible for contributing  
19 to students' mental health, emotional, social,  
20 behavioral health problems.

21 So you've given me a list, right?

22 You've said: Community members,  
23 parents, other students, JUUL, other makers of  
24 vaping products, alcohol companies, tobacco  
25 companies and the companies listed as "Online Media

1 & Communication Services" on Page 6 of Exhibit 2.

2 Are there any other parties,  
3 individuals, entities, companies that Harford  
4 County Public Schools believes are responsible for  
5 contributing to students' mental, emotional, social  
6 or behavioral health problems?

7 MR. BYRD: Object to form.

8 You can answer.

9 THE WITNESS: Not that I can think of  
10 right now.

11 MR. KEYES: Off the record.

12 MR. BYRD: Well, let's don't go off the  
13 record yet.

14 We can -- let's finish off real quickly  
15 with this 502(d) issue I need to get on the record.

16 So we have -- Ms. McNabb has sent an  
17 email to you all clawing back the document that we  
18 discussed.

19 I've told you all I thought you should  
20 take a look at the 502(d) order, and I do. I want  
21 to point to two things in the 502(d) order.

22 First, I want to go to Section 5 of the  
23 502(d) order that says: If during a deposition a  
24 producing party claims that documents being used in  
25 the deposition, e.g., marked as an exhibit shown to

1 the witness or made the subject of the examination,  
2 are or contain protected material, the producing  
3 party shall state such claim on the record and --  
4 which I did -- and may, in its sole discretion, do  
5 one or more of the following.

6 And B in that is: Object to the use of  
7 the protected material at the deposition, in which  
8 case no questions may be asked, no testimony may be  
9 given relating to the privilege or protected  
10 portions of the protected material until the matter  
11 has been resolved by agreement.

12 So, number one, I would say that we're  
13 going to need to redact, once I claim the clawback  
14 and we have this 502(d) order and you -- whatever  
15 you said.

16 If you quoted any of the material,  
17 we're going to need to redact that out and claw  
18 that back in your question that you tried to get  
19 out before we discussed it right before I  
20 instructed not to answer.

21 Secondly, it says: In the event the  
22 Court resolves in dispute -- let's see. Okay.

23 In all events, once the protected  
24 material is no longer in use at the deposition, the  
25 receiving party -- that's you all -- shall

1 immediately sequester all copies of the protected  
2 material.

3 Okay? So I want that done. We don't  
4 leave anything with the court reporter.

5 As to any testimony subject to a claim  
6 of privilege, the producing party shall serve a  
7 clawback notice in seven days.

8 Well, we've done that.

9 The second matter I want to raise is, I  
10 think, a little bit more disturbing, which is  
11 Section 4: Procedure upon discovery by a receiving  
12 party of produced or otherwise disclosed protected  
13 documents.

14 And I want to read this.

15 In the event that a receiving party  
16 discovers that it has received or examined  
17 documents that are or reasonably objectively appear  
18 to be subject to a claim of privilege or protection  
19 by a producing party, the receiving party promptly  
20 shall sequester the document and within ten  
21 calendar days of such discovery notify the  
22 producing party of the production by identifying  
23 the Bates ranges.

24 I don't know how you all looked at this  
25 document and saw, like, questions about exactly



1 the -- proving the claims in this litigation about  
2 this lawsuit, the person going directly to the  
3 general counsel's office, and didn't think that  
4 that section didn't apply to you all.

5 So I'd love to know your best -- you  
6 know, why you -- why you didn't follow 502(d).

7 MR. KEYES: Are you finished?

8 MR. BYRD: Yeah.

9 MR. KEYES: Okay. We don't think the  
10 document is privileged, so we don't think  
11 Paragraph 4 is triggered.

12 You disagree. You have claimed  
13 privilege for the first time for a document that we  
14 believe was produced probably five or six months  
15 ago.

16 You read language that says the  
17 document must be sequestered upon a claim of  
18 privilege. I already told you we would put it to  
19 the side and not look at it until we can brief the  
20 issue for the Court.

21 And I don't think it's inconsistent  
22 with the sequestering requirement to say that the  
23 court reporter should keep the original of the  
24 exhibit that's in question.

25 In any event, I don't have the order in

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1 front of me, and I'm not going to spend my valuable  
2 time debating the provisions without having a copy.

3 If Ms. McNabb has sent an email, we'll  
4 respond. But right now I'm in a deposition. I'm  
5 not using the document at issue. So, with  
6 respect --

7 MR. BYRD: But this was a -- this -- I  
8 guess my point is --

9 MR. KEYES: -- let's return to the  
10 questioning --

11 MR. BYRD: This is --

12 MR. KEYES: -- of Mr. Hennigan.

13 MR. BYRD: This is an -- and I'm not  
14 going to count this time against you, as I've told  
15 you, but we need to have this on the record.

16 This is a -- 502(d) is something that  
17 you're supposed to follow as counsel in the case.  
18 And you already --

19 MR. KEYES: We have --

20 MR. BYRD: -- should know your  
21 obligations under 502(d).

22 MR. KEYES: We --

23 MR. BYRD: And so what I'm asking you  
24 about is something that -- not that arose today but  
25 something that should have arisen days ago whenever

1 you first saw this document. And I want to know  
2 why you didn't think this was reasonably  
3 objectively appeared to be protected material.

4

5 (The following portions of the  
6 transcript were redacted pursuant to agreement of  
7 counsel pending resolution of dispute.)

8

9 MR. KEYES: I've -- I've already stated  
10 our position. We disagree. And it seems like  
11 we'll have to brief this for Judge Kang. We'll  
12 take that up. Right now, while Mr. Hennigan is  
13 sitting here, let's return to questioning.

14 MR. BYRD: Well, we'll take our break  
15 now and --

16 MR. KEYES: Okay. Off the record.

17 THE VIDEOGRAPHER: Stand by. We are  
18 off the record at 11:55.

19 \* \* \*

20 (Whereupon, there was a luncheon recess  
21 in the proceedings from 11:55 a.m. to 1:04 p.m.)

22 \* \* \*

23 THE VIDEOGRAPHER: We are on the record  
24 at 1304.

25 BY MR. KEYES:

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1 Q. Mr. Hennigan, would you pull out  
2 Exhibit 2, which is the list of topics. Go to  
3 Page 18. Are you on Page 18?

4 A. Yes.

5 Q. Topic 63. All efforts that the school  
6 district has taken to date to abate the public  
7 nuisance alleged in your complaint.

8 What is the public nuisance that  
9 Harford County Public Schools alleges here?

10 A. So the basis is that our students have  
11 increased access to phones and social media, and as  
12 a result, are bringing problems into the school  
13 system for which we then need to seek partnerships  
14 and increased staffing to address the issues and  
15 concerns they are displaying, bring in with them as  
16 a result of their access to social media.

17 Q. Okay. So you said "the basis is." I  
18 guess I'm asking you to explain what the public  
19 nuisance is. Is it the fact that students are  
20 accessing their phones and using social media at  
21 school?

22 MR. BYRD: Object to form. Calls for  
23 legal conclusions as well addressed in the  
24 complaint.

25 THE WITNESS: Is there a definition of

1 "public nuisance," or am I to conclude it on my  
2 own?

3 BY MR. KEYES:

4 Q. There is not a definition of "public  
5 nuisance" in Exhibit 2. Harford County Public  
6 Schools has alleged a public nuisance. You are the  
7 corporate rep on --

8 A. Okay.

9 Q. -- all efforts that Harford County  
10 Public Schools has taken to date to abate the  
11 public nuisance alleged in the complaint. So --

12 A. So the public nuisance is the -- the  
13 behaviors, mental health concerns, actions of our  
14 students within our school buildings as a result of  
15 their use of social media in and out of our school  
16 system.

17 Q. Is Harford County Public Schools taking  
18 any action to abate that public nuisance now?

19 MR. BYRD: Object to form.

20 THE WITNESS: Yeah. I mean, we filed a  
21 complaint with you to try to address this.

22 BY MR. KEYES:

23 Q. Has Harford County Public Schools done  
24 anything to abate the public nuisance you described  
25 other than file the complaint in this lawsuit?

1           A.     Yeah. I mean, we have had a drastic  
2     increase, especially in my department, of staffing  
3     in our school system, partnerships with outside  
4     school districts, partnerships with -- not --  
5     sorry, not outside school districts -- outside  
6     partnerships, other organizations, a lot of  
7     man-hours put into applying for grants and  
8     complying with the results -- with the pieces of  
9     those grants that -- where there are expectations  
10    of us showing data, which are going towards  
11    funding, which is going toward addressing the  
12    behavioral, mental health, social, emotional health  
13    of our children.

14           Q.     Anything else that Harford County  
15    Public Schools has done to abate the public  
16    nuisance you described other than file the  
17    complaint and lawsuit?

18           A.     Created a policy to try to further  
19    restrict access to social media during the school  
20    day; creating the zero-to-eight work group that I  
21    spoke about earlier today; doing a lot of parent  
22    workshops at schools regarding social media.

23                   We created, which took a lot of  
24    man-hours and -- and time and money, creating the  
25    wellness needs assessment; and then, furthermore,

1 meeting with administrators and staff to tell them  
2 best practices of what they could do with the data  
3 from their wellness needs assessment.

4 Q. You referenced in your answer creating  
5 a policy to try to further restrict access to  
6 social media during the school day. Are you  
7 referring to HCPS Exhibit 7?

8 A. I don't have that in front of me, I  
9 don't think, do I? Yes.

10 Q. Okay. Earlier in the deposition, you  
11 used the phrase "myriad of issues," which you said  
12 include the impact of social media, a myriad of  
13 issues that have led to the need for more students  
14 to get therapy.

15 What -- what are you referring to when  
16 you say the "myriad of issues"?

17 MR. BYRD: Object to form. I'm  
18 confused as to exactly what part in the deposition  
19 before you're referring to. But object to form.

20 You can answer, if you know.

21 THE WITNESS: Oh. So various issues  
22 that are being manifested within the school day --  
23 well, not even within the school day, because some  
24 of this comes from parents requesting it, with  
25 regards to depression, eating disorders, anxiety,

1 ADHD, a host of mental health diagnoses.

2 BY MR. KEYES:

3 Q. Anything else that you were referring  
4 to when you used the phrase "myriad of issues"?

5 A. I don't recall.

6 Q. Would you turn to Topic 14, which is on  
7 Page 10. Does Harford County Public Schools have  
8 any districtwide policies for rules regarding the  
9 use of defendants' platforms in the classroom as a  
10 part of the curriculum or otherwise to educate  
11 students?

12 MR. BYRD: Object to form. Which  
13 topic -- you're on 10. I'm sorry. Which topic?  
14 Number 14?

15 MR. KEYES: Uh-huh.

16 MR. BYRD: Sorry.

17 MR. KEYES: Page 10, Topic 14.

18 MR. BYRD: Got it.

19 MR. KEYES: Yeah.

20 BY MR. KEYES:

21 Q. Do you want me to repeat the question?

22 A. No. I'm just trying to figure out --  
23 so you're basically saying our use of it or the  
24 students' use of it? Like, the teachers using it  
25 or --



1 Q. Well, Topic 14 says policies regarding  
2 use of defendants' platforms in the classroom, as  
3 part of the curriculum or otherwise to educate  
4 students.

5 Are you aware of Harford County Public  
6 Schools having any such policies?

7 A. I know there's rules. I don't know  
8 about policies in the -- because there's  
9 restrictions on what can be accessed on the  
10 school's Wi-Fi.

11 So teachers may use a platform, or  
12 students may try to access a platform, but there's  
13 restrictions on what they can access based on --  
14 when they're on our Wi-Fi.

15 Q. Do you know if those rules or  
16 restrictions are reflected in writing anywhere?

17 A. I don't.

18 Q. Under those rules or restrictions, are  
19 teachers permitted to use YouTube in the classroom  
20 as part of the curriculum or otherwise to educate  
21 students?

22 MR. BYRD: Object to form.

23 THE WITNESS: I think they are but only  
24 because I know that issues have come up with  
25 teachers pulling up YouTube for a lesson and then

1 really inappropriate ads popping up on the side.

2 So --

3 BY MR. KEYES:

4 Q. Inappropriate ads?

5 A. Yeah. So I know that obviously it has  
6 been done. I don't know the current status of  
7 whether they're allowed to use YouTube in the  
8 classroom or not.

9 Q. Under the rules and restrictions you  
10 referenced, are teachers permitted to use other  
11 defendants' platforms in the classroom as part of  
12 the curriculum or otherwise to educate students?

13 A. I don't believe so.

14 Q. Does Harford County Public Schools have  
15 any policies or rules regarding the use of any of  
16 the defendants' platforms to advertise or promote  
17 the school district's or the district schools'  
18 policies or events?

19 A. I don't think policies or rules, but it  
20 occurs.

21 Q. Okay. You know that Harford County  
22 Public Schools does use social media?

23 A. Yes.

24 Q. Do you know what social media platforms  
25 Harford County Public Schools uses?

1           A.     I only know about Twitter and Facebook.  
2     And there's YouTube videos.

3           Q.     Does Harford County Public Schools have  
4     a YouTube channel?

5           A.     I think that's where all our videos are  
6     housed, yeah.

7           Q.     Okay. Does Harford County Public  
8     Schools have an Instagram account?

9           A.     I don't know.

10          Q.     Does Harford County Public Schools have  
11     a TikTok or a Snapchat account?

12          A.     I doubt that, but I don't know.

13          Q.     So does Harford County Public Schools  
14     have any policies or rules regarding the use of its  
15     YouTube channel to advertise or promote school  
16     district's or the district schools' policies or  
17     events?

18                 MR. BYRD: Object to form.

19                 THE WITNESS: Again, I don't know if  
20     there's policies or rules. But I do -- I do know  
21     that our videos go out, and I think that's the  
22     platform they go out on.

23                 BY MR. KEYES:

24           Q.     Do you have any involvement in creating  
25     any content for videos that are posted to the

1 YouTube channel?

2 A. I have been a part of talks --  
3 interview kind of talks that end up posted on  
4 YouTube.

5 Q. Anything else?

6 A. I know that we had a recognition given  
7 to one of our school psychologists. And the video  
8 was too big for me to share in an email, so it  
9 ended up having to go to a YouTube account.

10 Q. Anything else?

11 A. That I've been a part of? Not that I  
12 can recall.

13 Q. Yeah. So have you told me all of your  
14 involvement in creating any content or videos that  
15 are posted on the Harford County Public Schools  
16 YouTube channel?

17 A. Yeah. I think it's been the interviews  
18 or parent talks, and then I may have been in the  
19 background of videos that were shot that are posted  
20 on there.

21 Q. Okay. So what are the interviews  
22 you've referenced that end up being posted to the  
23 Harford County Public Schools YouTube channel?

24 A. I can't remember the exact name, but  
25 they're called "Parent" -- not "Parent Cafes."

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1           It's a series of videos for parents  
2     that our manager of communications -- not our  
3     "manager of communications." I don't even know her  
4     exact title, but Mary Beth Stapleton does with  
5     staff members on topics that she feels are relevant  
6     to parents.

7           Q.     You've mentioned parents talks. Are  
8     those separate from the interviews you mentioned?

9           A.     No. Those are the interviews.

10          Q.     Okay. And how many different  
11     interviews or parent talks have you participated in  
12     that have ended up being posted on Harford County  
13     Public Schools' YouTube channel?

14                 MR. BYRD: Object to form.

15                 THE WITNESS: Maybe two or three.

16     BY MR. KEYES:

17          Q.     And then have you advertised or  
18     promoted to anyone you know that those videos are  
19     available on the YouTube channel?

20          A.     Not that I recall specifically.

21          Q.     Does Harford County Public Schools have  
22     any rules or policies regarding the use of either  
23     its Facebook or Twitter accounts to advertise or  
24     promote the school districts or the district  
25     schools' policies or events?

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1           A.     Again, I don't know what the rules or  
2 policies might be, but I know it occurs.

3           Q.     And does Harford County Public Schools  
4 have any rules or policies regarding the use of its  
5 YouTube channel or its Facebook or Twitter accounts  
6 to communicate with students?

7           A.     I'm sure there's something in the  
8 handbook about teachers not communicating with  
9 students through these platforms.

10          Q.     You're referring to the Parent-Student  
11 Handbook?

12          A.     No. I'm sorry. Employee handbook.

13          Q.     Okay. Separate from the employee  
14 handbook, does Harford County Public Schools have  
15 any rules or policies regarding the use of its  
16 YouTube channel or its Facebook or Twitter accounts  
17 to communicate with students?

18          A.     Outside of the employee handbook, I  
19 don't know of any.

20          Q.     Okay. And just to make sure, I'm  
21 referring to students as a population --

22          A.     Uh-huh.

23          Q.     -- as opposed to individual students.  
24                 So are you aware of any rules or  
25 policies that Harford County Public Schools has

1 regarding the use of its YouTube channel or its  
2 Facebook or Twitter accounts to communicate with  
3 the student population?

4 A. I'm not aware of any.

5 Q. Are you aware of any training or  
6 education that Harford County Public Schools gives  
7 to its staff regarding any policies or rules  
8 regarding how to use Harford County Public Schools'  
9 YouTube channel or its Facebook or Twitter  
10 accounts?

11 A. So that would be through the employee  
12 handbook and through an annual responsibility use  
13 training.

14 Q. And what do you remember the training  
15 covering when it comes to how to use Harford County  
16 Public Schools' YouTube channel or its Facebook or  
17 Twitter accounts?

18 A. I don't recall the specifics. And they  
19 may not speak specifically to those three things.

20 Q. Do you look at the youth risk behavior  
21 survey results when they come out?

22 A. I do.

23 Q. How often do those survey results get  
24 released?

25 A. I don't -- I don't know if it's annual

1 or -- I feel like I want to say every three years,  
2 but I don't know. I'm not sure.

3 It's definitely not more than once a  
4 year, but it may not -- I don't think it is even  
5 once a year. I think it's once every two or three  
6 years.

7 Q. And do you understand that survey is  
8 for high schools?

9 A. I'm sorry. Say that again.

10 Q. Do you understand that the survey is  
11 for high schools?

12 A. It may be. I'm not sure if it does  
13 middle school or not. I feel like it does. No, I  
14 believe it's middle and high.

15 Q. You believe that the survey covers both  
16 middle school students and high school students?

17 A. I think so.

18 Q. Do you know how the questions are  
19 selected for that survey?

20 A. No idea.

21 Q. Do you understand that the questions  
22 that are asked in that survey are based on risk  
23 behaviors that the Maryland Department of Health  
24 has selected?

25 A. I did not know that, no. I thought it



1 was a national survey.

2 Q. Okay. You're not aware that there is a  
3 youth risk behavior survey conducted by the  
4 Maryland Department of Health?

5 A. I know we conduct it. I didn't know  
6 who sent it to us.

7 Q. Okay. Have you ever weighed in with  
8 the Maryland Department of Health or any other  
9 department of health to disagree with the risk  
10 behaviors they've decided to include in the youth  
11 risk behavior survey?

12 A. No.

13 MR. KEYES: Thank you, Mr. Hennigan. I  
14 have no further questions at this time.

15 Does anyone on the Zoom have questions  
16 for the witness?

17 MR. FLASTER: Nothing from me. I don't  
18 have a mic, but no questions from Meta.

19 MR. BYRD: Okay. I have a few  
20 questions.

21 \* \* \*

22 EXAMINATION

23 BY MR. BYRD:

24 Q. Let's look at your -- let's look at the  
25 exhibit -- the policy, the --

1 MR. KEYES: Exhibit 7?

2 BY MR. BYRD:

3 Q. -- portable communications device,  
4 Exhibit 7.

5 You know, you were asked questions  
6 about this today from Mr. Keyes, right?

7 A. Uh-huh, yes.

8 Q. You talked about that there were some  
9 improvements that you saw with fighting.

10 Do you remember being asked about the  
11 improvements with fighting?

12 A. Yes.

13 Q. Were you asked about the impact,  
14 though, on cyberbullying?

15 A. I don't believe so.

16 Q. Were there -- were there any impacts on  
17 cyberbullying from this policy?

18 A. So, interestingly enough, the -- the  
19 bullying data has been pretty static.

20 So there was a -- a hope just for our  
21 kids' sake that the bullying and harassment has  
22 gone down, but it had not.

23 Which leads me to conclude that the --  
24 a lot of it is happening once the students have  
25 access after they leave school. So it's continuing

1 after hours.

2 Q. Okay. So you're -- you're seeing  
3 problems that are now happening after school; is  
4 that right?

5 A. Yeah. So the big difference is when I  
6 talk about discipline incidents, they all occur in  
7 the building.

8 Bullying and harassment data is 24/7.  
9 So it could happen at 2:00 in the morning, it could  
10 happen in the school building, it could happen on  
11 the weekend.

12 So that data didn't move at all because  
13 we're including everything that happens throughout  
14 a year, not just a school day.

15 Q. So if the defense counsel who asked you  
16 questions seemed to imply or want the jury to  
17 believe that a simple policy like this could have  
18 fixed everything, is -- is that true?

19 A. Oh, absolutely not. Because even  
20 though we are able to do our best to mitigate it,  
21 as I spoke to earlier, the intense addiction that  
22 some of our students have, they -- they still will  
23 find work-arounds.

24 Q. Can you compare -- I mean, can you  
25 compare the power of -- or, I guess, compare the

1 abilities of a policy like this to be effective  
2 versus what the defendants are able to do with  
3 their platforms?

4 Can you compare how effective you're  
5 able to be versus what they're doing to get social  
6 media into the hands of the students that you see?

7 MR. KEYES: Objection to form.  
8 Foundation.

9 THE WITNESS: So I think everybody has  
10 seen over the last couple decades an increasing  
11 expectation that the school is going to solve all  
12 societal issues with children from bullying to cell  
13 phones to parenting to feeding to breast-feeding to  
14 toileting -- all those things that are expected to  
15 be addressed within the school system now.

16 So the issue we have is we can only do  
17 our best to address what happens while they're with  
18 us.

19 And we've had to increasingly hire more  
20 and more staff to not address what happens when  
21 they're with us, but -- well, to address what  
22 happens when they're with us because of what's  
23 happening when they're not with us.

24 So things that are happening on the  
25 weekends, things that are happening at night then

1 find their way into the school.

2 So when we see that our children's  
3 brains that are developing are being completely  
4 rewired by these algorithms that they're watching,  
5 30-second videos of a clip, and then they're coming  
6 into our school building...

7 I just sat in an auditorium in a middle  
8 school two weeks ago and sat in the back to watch a  
9 lesson one of our counselors was doing.

10 And as I looked down the row, almost  
11 every kid's knee was just bopping up and down.  
12 Their ability to sustain their attention on a  
13 lesson is impaired. And all of our teachers are  
14 seeing that.

15 And it's not impaired by their social  
16 media use just during the six hours they're with  
17 us. It's 24/7.

18 So we are really fighting a battle of  
19 our teachers trying to engage students when,  
20 90 percent of their time, they're engaging social  
21 media that has basically rewired their brain to  
22 only be able to fixate on something for 30 seconds  
23 or -- or less. So --

24 BY MR. BYRD:

25 Q. Do you feel like you're almost -- I

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1 mean, have you ever heard that phrase "you're  
2 bringing, like, a knife to a gunfight"? Have you  
3 ever heard that?

4 A. Absolutely.

5 Q. Like, what do you feel compared to  
6 these defendants that you're dealing with and the  
7 school -- trying to handle it in the school system  
8 with everything else going on?

9 MR. KEYES: Objection to form.

10 THE WITNESS: So, yeah. I mean, it is  
11 a constant battle. It's a constant battle for our  
12 staff. It's a constant battle for our parents.  
13 The amount of energy that is expended by our staff  
14 and our parents to try to get their children away  
15 from the device is exorbitant and exhausting. And  
16 the reason we won't quit the fight is because we  
17 know that they are being completely rewired in  
18 their brains.

19 And, you know, another example of  
20 funding that we've had to set aside is this has  
21 gotten so out of control that we are now providing  
22 welcome bags to the hospital. So every time a  
23 mother gives birth in Harford County, they get a  
24 welcome bag from the school system with information  
25 on what they can do for the next five years to try

1 to prepare their child for school.

2 So we have not just expanded pre-K to  
3 get to them a year earlier. We know we have to get  
4 to the parents the moment they have that child  
5 because -- you know, my children will say they hate  
6 that I'm in education because I know what I know.  
7 And most of my friends and family members and  
8 neighbors, there's -- you know, they're just in  
9 different professions, and they don't see what I  
10 see every day.

11 So they don't understand the impact of  
12 their child staring at a screen for hours or their  
13 child, you know, that's sitting up in their room  
14 feeling terrible about themselves because they're  
15 watching everybody else on social media showing  
16 their perfect life.

17 So it's -- it's a constant battle on a  
18 professional and a -- and a personal level of just  
19 trying to not allow that takeover, not just  
20 their -- their life, but take over their brains.

21 BY MR. BYRD:

22 Q. You were asked several questions today  
23 about -- by Google's counsel about what the  
24 school -- what -- what the -- what you all have  
25 done to try to curb the social media's -- the

1 students' abilities to use social media --

2 A. Yeah.

3 Q. -- right?

4 Do you recall those questions?

5 A. Yes.

6 Q. Has anybody from Google or YouTube ever  
7 offered to come in and try to help you all figure  
8 out technology-wise how they could restrict that  
9 and help you?

10 MR. KEYES: Objection to form.  
11 Foundation.

12 THE WITNESS: No. Absolutely not.

13 BY MR. BYRD:

14 Q. Well, you -- wouldn't you be made aware  
15 of that if they did?

16 A. 100 percent.

17 MR. KEYES: Objection to form.

18 BY MR. BYRD:

19 Q. Huh?

20 MR. KEYES: Foundation.

21 THE WITNESS: 100 percent.

22 BY MR. BYRD:

23 Q. Has anybody from Facebook ever offered  
24 to come in and share their data with you or to  
25 share their technology of how you could restrict



1 the use of children of social media apps?

2 MR. KEYES: Objection to form.

3 Foundation.

4 THE WITNESS: No. And in my opinion,  
5 you know, they have a business to run, and they're  
6 trying to make money, and they're making money off  
7 our children's brains, and it -- it's really  
8 unfortunate.

9 I -- I don't look at the social media  
10 companies any different than I look at a drug  
11 dealer. They're injecting poison, creating a  
12 totally different environment for our children, and  
13 making it so that, you know, they -- they are  
14 experiencing mental health crises at a level that  
15 we've never seen before.

16 BY MR. BYRD:

17 Q. What about -- same question for  
18 Instagram or TikTok or Snapchat: Have any of their  
19 corporate folks tried to come in and -- and work  
20 with you to try to help you address the things that  
21 counsel asked you about to prevent social media  
22 being used so much by these kids?

23 A. No. I mean, there's enough research  
24 out there, they know what they're doing. It's sad  
25 to me, it's sad that they would know that this is

1 happening and continue to perpetuate it to make  
2 money off of our children. It's really -- it's --  
3 I don't know. "Sad" is the only word I have for  
4 it.

5 Q. I think that you were asked -- you have  
6 the list of topics, and you were asked about this  
7 Topic 48 where you listed other -- you've  
8 acknowledged -- you acknowledged to this jury,  
9 didn't you, that parents and community and there's  
10 other companies and JUUL and vaping that also play  
11 a role in the mental health arena, right? You  
12 acknowledge that?

13 A. Yes.

14 Q. I don't know if you were asked. Can  
15 you compare -- the defendants that were chosen here  
16 in this case, though, can you compare the role --  
17 the amount of the role that you understand the  
18 parents, community, students versus these  
19 defendants right here that you're dealing with --

20 A. Uh-huh.

21 Q. -- can you compare sort of, I guess,  
22 the culpability, if you will, in your mind since  
23 you were asked that question?

24 MR. KEYES: Objection to form.  
25 Foundation.

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1                   THE WITNESS: It is -- the social media  
2 companies have the ability to change the way they  
3 deliver, to change access for children. It's the  
4 same -- it's no different than with pornography.

5                   So the access is there. They know it's  
6 there. They don't care that it's there. They're  
7 making money off the fact it's there.

8                   Parents, who are trying to provide a  
9 physical device to their children so that they can  
10 access them, are torn with giving them the device  
11 for that access but also exposing them to these  
12 social media platforms because there are so many  
13 different work-arounds that even the best parent  
14 who tries to prevent it is -- it's an uphill battle  
15 for them.

16 BY MR. BYRD:

17               Q. Turn to this Topic 48, which is Page 16  
18 on your Exhibit 2. I mean, you were being asked  
19 about the all categories of persons, entities or  
20 issues that the school district has claimed in  
21 writing or has reason to believe are responsible.  
22 Do you remember that?

23               A. Yes.

24               Q. And I guess I'm just trying to make  
25 sure the jury understands here, that I think you

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1 mentioned some things about -- like there may be  
2 abuse in the community that happens and that can  
3 play a role. There may be an abuse in the  
4 family -- you -- you listed some sort of unique  
5 sort of incidences. But how does that compare to  
6 the role of these defendants on a daily basis that  
7 are in this case?

8 MR. KEYES: Objection to form.  
9 Foundation. Mischaracterizes testimony.

10 THE WITNESS: So all the things that I  
11 mentioned have always existed. To the degree they  
12 existed, have changed. They change by the  
13 community you're in. They change by the  
14 neighborhood you live in. But we have not seen  
15 this drastic change in the mental health of our  
16 children in their inability to attend to school by  
17 any of those factors over the last hundred years  
18 that we have seen in this very short window since  
19 social media came on the rise.

20 And I spoke a lot today about the --  
21 our girls and our females, and when the  
22 forward-facing camera came out, depression,  
23 anxiety, the suicides skyrocketed.

24 A different story is told about our  
25 boys because our boys are not engaging in risky

1 behavior, and you -- you might look at this and say  
2 it's great; you know, boys going to the hospital  
3 for broken limbs is a good thing, but it's also  
4 because they're not going outside. They're not  
5 getting their driver's license. They're not -- to  
6 the level. Not every kid, obviously, when I say  
7 "all."

8 So the amount of boys getting their  
9 driver's license, getting jobs, going outside and  
10 playing and having, you know, slightly risky  
11 behavior and result in slight injuries, dating, all  
12 those things have dramatically dropped in the last  
13 several years when social media came on the rise,  
14 exponentially more so than they have over the last  
15 hundred years when poverty and homelessness and gun  
16 violence and all those things existed. They didn't  
17 prevent people from socializing; from getting their  
18 license; from wanting to, you know, go out and  
19 play; all those things.

20 So we in the school system are dealing  
21 with a completely different -- and I'll just -- for  
22 lack of a better term -- product that's coming in  
23 that we're starting with, completely different.

24 BY MR. BYRD:

25 Q. And -- and -- okay. Continue. Sorry.

1           A.     In the past, we would have four or  
2     five --

3                   MR. KEYES:  Objection.  I mean, I think  
4     you were finished with your answer.  If -- this is  
5     not a --

6                   MR. BYRD:  I mean, I think he was  
7     talking, and I interrupted him.

8                   MR. KEYES:  -- narrative.  It's  
9     supposed to be question and answer.

10                  MR. BYRD:  Have your objection.  That's  
11     fine.

12                  Continue on, if I interrupted you.

13                  MR. KEYES:  Objection.

14                  THE WITNESS:  In past years, we may  
15     have four or five children show up to kindergarten  
16     not potty-trained.  This year, I think we had  
17     almost 70.

18                  Parents are not taking the initiative.  
19     Parents don't have the ability, just like their own  
20     children, to attend to a task, which is why they're  
21     not potty training their children, which is why  
22     they're not teaching them their letters.

23                  So children are showing up, and we are  
24     getting a much different product now and being  
25     expected as a school system to do all these things

1 to attend to their physical and mental health. And  
2 I truly believe a lot of it is not just the social  
3 media exposure to the children. It's to the  
4 parents.

5 And, you know, something as simple --  
6 and you may think this is a little thing -- as  
7 looking your child in the eyes when you breast-feed  
8 them, that is the trust that gets built, and that  
9 trust turns into bigger trust and bigger trust.  
10 And we have kids who come in who have no trust of  
11 any adult in their life.

12 And I'm not saying it's because there  
13 was no breast-feeding. But that's just a simple  
14 thing. If you're going to look at your phone  
15 instead of look at your child, they will be  
16 permanently impacted.

17 BY MR. BYRD:

18 Q. So just to wrap this up, it's -- it's  
19 your understanding that the social media use of the  
20 parents is even having an impact, yes?

21 A. Just as much, yes.

22 Q. Okay. Now, let's look at this  
23 Exhibit -- this Exhibit 2, and start at the  
24 beginning of the topics. I think you were going to  
25 cover 1. Do you remember that?

1 A. I'm sorry. Exhibit 2?

2 Q. I'm sorry. Page 7. And it's Topic

3 1 --

4 A. Yeah.

5 Q. -- up there.

6 Now, counsel asked you questions about  
7 this Topic 1. And -- and what Counsel said was --  
8 I wrote it down here, or part of it, that he  
9 said -- he only asked you about, do you have any  
10 quantitative data to show the amount of time? Do  
11 you remember that question?

12 A. Uh-huh.

13 Q. Do you remember that question?

14 A. I do.

15 Q. And you answered it, right?

16 A. I did.

17 Q. Were you prepared today to talk about  
18 the -- the full topic here, which is -- it doesn't  
19 just restrict it to quantitative data. Were you  
20 prepared to talk about that today?

21 A. Yes.

22 Q. Okay. The same question for Number 2.  
23 Counsel asked you about the quantitative data or  
24 documents that you might have that relate to the  
25 impact.



1 Do you remember that?

2 A. I do.

3 Q. And that's all he asked you about,  
4 right?

5 A. Correct.

6 Q. Were you --

7 MR. KEYES: Objection. Form.

8 BY MR. BYRD:

9 Q. Were you prepared to talk about the  
10 entirety of Topic 2 that you prepared for today?

11 A. Absolutely, yes.

12 Q. And were you prepared -- is that true  
13 for basically every topic that you were set to  
14 cover today that was -- is listed in Exhibit 1 that  
15 Counsel put --

16 A. Yes.

17 Q. Okay. Did -- I think you mentioned  
18 that you -- you were talking about abatement on  
19 Topic 63 and things that you did. And you  
20 mentioned, you know, that you all had to hire more  
21 people.

22 Do you remember that?

23 A. I do.

24 Q. And you said that you reviewed  
25 Interrogatory Number 5 in preparation for today?

1 A. Yes.

2 Q. And were you prepared to talk about  
3 your contributions to the chart of damages there?

4 A. Yes.

5 Q. Okay. You were asked about this  
6 exhibit. I don't know which exhibit number it is.

7 A. I think it was 4. 4.

8 Q. 4. You know, this 86 percent number.  
9 Do you remember that?

10 A. I do.

11 Q. This is taken from students that are  
12 supposed to -- from children, really, right? That  
13 are supposed to answer accurately about their  
14 understanding about their mental health?

15 A. Yes.

16 Q. Is that right?

17 A. Correct.

18 Q. I mean, you've been around students a  
19 lot as your time in Harford, right?

20 A. Yes.

21 Q. Do they necessarily always answer  
22 accurately about their -- their own mental health?

23 A. No.

24 Q. Okay.

25 A. It's getting better. But, no.

1 Q. This is just a study about their own  
2 self-reporting, right?

3 A. Correct. That's all self-report.

4 Q. It's not necessarily conclusive of what  
5 you see from your own experience, right?

6 A. What do you mean by that?

7 Q. I mean, it's not necessarily -- it  
8 doesn't necessarily match up with what you see as  
9 far as the mental health problems going up in  
10 numbers that you see from your own perspective?

11 MR. KEYES: Objection to form.

12 THE WITNESS: Yeah. Not exactly.

13 BY MR. BYRD:

14 Q. I think you talked about some abatement  
15 programs, and you mentioned some -- some people you  
16 brought in to talk to parents and students.

17 Do you remember that?

18 A. Yes.

19 Q. Do you remember you all brought in a  
20 Dr. Leonard Sax?

21 A. That's his name, yeah. Yes.

22 Q. Is that something that you recall?

23 A. I do. I attended it --

24 Q. Okay.

25 A. -- with one of my daughters.

1 Q. And are you able to discuss that?

2 A. To some degree, yes.

3 Q. Okay. Are you -- let's see.

4 MR. BYRD: I think -- let me just  
5 check. Give me one second.

6 MR. KEYES: Sure.

7 MR. BYRD: Yeah. I'll pass the  
8 witness. That's all I have for him.

9 MR. FLASTER: Andy, before you go,  
10 could I just make a housekeeping before we finish?

11 On Line 159, 10, I made an objection on  
12 form and foundation. I just wasn't caught because  
13 I wasn't on a mic.

14 I assume there's no objection if I make  
15 that now?

16 MR. BYRD: That's fine. You're fine.

17 MR. FLASTER: Okay. Thank you.

18 I just -- before you proceeded, Andy.  
19 Thanks.

20 MR. KEYES: Sure.

21 \* \* \*

22 EXAMINATION

23 BY MR. KEYES:

24 Q. Mr. Hennigan, you testified a moment  
25 ago about your view that students having access to

1 social media is like injecting poison?

2 A. No. I said the people who allow it and  
3 don't realize that what they're doing -- I don't  
4 know if these are my exact words. But I -- I  
5 parallel that to providing something that's really  
6 awful to a child with unfettered access like a drug  
7 dealer would do.

8 Q. Okay. So let me make sure I  
9 understand. The people who allow students to have  
10 access to social media are injecting poison?

11 A. The people who create the programs that  
12 allow children to get in without any parental  
13 consent are allowing that to happen, yes.

14 Q. Okay.

15 A. And if they would somehow create  
16 restrictions, just like states do, some states do  
17 with pornography, then children wouldn't have as  
18 much access.

19 Which is why YouTube is our most  
20 accessed database or platform because students  
21 don't have to get any permission or pay money to  
22 get into it.

23 Q. Given your view, have you ever asked  
24 anyone in Harford County Public Schools to  
25 discontinue its YouTube channel?

1 A. I have not.

2 Q. Given your view, have you ever asked  
3 anyone in Harford County Public Schools to  
4 discontinue its Facebook account?

5 A. I have not.

6 Q. Given your view, have you ever asked  
7 anyone in Harford County Public Schools to  
8 discontinue its Instagram account?

9 A. No. Well, I don't -- I didn't even  
10 know if we have one or not, so... If you say we  
11 did, then, no.

12 Q. You've never inquired?

13 A. No.

14 Q. Given your view, have you ever asked  
15 anyone in Harford County Public Schools to block  
16 students' access to YouTube on district-issued  
17 devices?

18 A. I think I actually have, yes.

19 Q. Who did you ask?

20 A. So we had a conversation. I don't  
21 remember when. I believe it was some sort of  
22 leadership meeting, and there was the concern about  
23 the ads popping up.

24 And we talked about whether we were  
25 going to allow YouTube to be accessed by students

1 or even allow teachers to use it.

2 Q. And the decision was made to allow  
3 students to continue accessing YouTube on  
4 district-issued devices?

5 A. I don't know. I don't know if they can  
6 or can't, to be honest with you.

7 Q. All right. Well, did you follow up  
8 after that to see whether Harford County Public  
9 Schools had changed its position on whether  
10 students would have access to YouTube on  
11 district-issued devices?

12 A. I don't recall.

13 Q. Given your view, did you have a  
14 conversation with anyone in Harford County Public  
15 Schools where you asked that student access to  
16 YouTube be blocked on the district's network?

17 A. Is that different from what you just  
18 asked me?

19 Q. Yeah. Before, I asked about accessing  
20 YouTube on district-issued devices.

21 A. Oh. Okay.

22 Q. Now I'm asking did you have a  
23 conversation with anyone at Harford County Public  
24 Schools where you asked that student access to  
25 YouTube be blocked even on personal devices when

1 those devices were connected to the district's  
2 network.

3 A. I believe that was part of the same  
4 conversation.

5 Q. The same conversation where you raised  
6 an issue; but others expressed a competing concern  
7 and, as far as you know, the rule never changed.  
8 Is that fair?

9 A. I don't know that to be true, no. Like  
10 I said --

11 Q. You don't know one way or the other?

12 A. No.

13 Q. Did you follow up?

14 A. No.

15 Q. Given your view, did you have a  
16 conversation with anyone in Harford County Public  
17 Schools to say that teachers should not be allowed  
18 to use YouTube in the classroom?

19 A. That, again, was part of the same  
20 conversation, whether we were going to have YouTube  
21 allowed from teachers, from students.

22 Q. Okay. And, again, that's the  
23 conversation where others expressed competing  
24 concerns, and you don't know how that conversation  
25 turned out and you don't know whether the rules



1 changed?

2 A. Correct.

3 Q. Okay. And given your view, did you  
4 have a conversation with anyone at Harford County  
5 Public Schools to say that teachers should not be  
6 allowed to assign YouTube as homework to students?

7 A. I don't know if that was part of the  
8 conversation. I'm sure it was because if we were  
9 talking about whether they can access or not, we'd  
10 have to talk about assignments.

11 Q. Okay. So if you've had a conversation  
12 regarding students' access to YouTube or teachers  
13 using YouTube, it was this one conversation you've  
14 mentioned with leadership where others expressed  
15 competing concerns, and you don't know how that  
16 turned out and you don't know whether students have  
17 access currently?

18 A. Correct.

19 Q. And you don't know whether teachers are  
20 allowed to use YouTube in the classroom or assign  
21 it as homework currently?

22 A. Correct.

23 (HCPS MD HENNIGAN EXHIBIT 8, 2023-2024  
24 Parent-Student Handbook Calendar, Bates  
25 HCPS\_00114511-545, was marked for identification.)

1 BY MR. KEYES:

2 Q. I'm showing you what has been marked as  
3 HCPS Exhibit 8. This was produced with the Bates  
4 Numbers HCPS\_00114511 through 114545.

5 Do you recognize this document?

6 A. Yes.

7 Q. This is the 2023-2024 Parent-Student  
8 Handbook Calendar?

9 A. Yes.

10 Q. Okay. Would you turn to the fourth  
11 page.

12 A. Fourth physical page or --

13 Q. Yes, sir. And it has a page number in  
14 the lower right-hand corner.

15 A. 1117.

16 Q. No. 114514.

17 A. Okay.

18 MR. BYRD: Yeah.

19 BY MR. KEYES:

20 Q. This -- this is the Parent-Student  
21 Handbook that is distributed to every Harford  
22 County Public School family?

23 A. Not anymore. I think it's just  
24 available online.

25 Q. Okay. Do you see at the top right

Page 170

1 there's a section called "Website & Social Media"?

2 A. Yes.

3 Q. And do you see that it says: Follow us  
4 on Facebook (@HCPS Schools) [sic] --

5 A. Yes.

6 Q. -- Twitter (@HCPS Schools) [sic] --

7 A. Yes.

8 Q. -- Instagram (@HCPS Schools) [sic] --

9 A. Yes.

10 Q. -- and YouTube (@HCPS Schools) [sic]?

11 A. Yes.

12 Q. Were you aware before today that this  
13 paragraph was in the Parent-Student Handbook?

14 A. I review it every year, but I -- you  
15 know, I may have saw it, but I don't recall, like,  
16 noting it.

17 Q. Okay. When -- whenever you reviewed  
18 the Parent-Student Handbook, did you ever go to  
19 anyone and say, "Why in the world are we  
20 encouraging our community to follow us on Facebook,  
21 Twitter, Instagram and YouTube?" when your view was  
22 that giving access to students was injecting  
23 poison?

24 MR. BYRD: Object to form.

25 THE WITNESS: Because it's a different

1 audience.

2 BY MR. KEYES:

3 Q. And you say that because?

4 A. Because this is the -- well, it's the  
5 Parent-Student Handbook, but the point of this is  
6 for parents to follow, not necessarily for  
7 students.

8 Q. You don't think this is for students as  
9 well even though it's called the "Parent-Student  
10 Handbook"?

11 A. I don't think students are following us  
12 on Facebook, to be honest with you, or Twitter or  
13 Instagram or YouTube.

14 Q. That's your view? Have you --

15 A. Yes.

16 Q. -- looked into that?

17 A. I have not.

18 Q. Okay. And then if you turn to  
19 Page 114516.

20 A. Okay.

21 Q. In the lower left, you see a section  
22 called "Responsible Use of Technology"?

23 A. Yes.

24 Q. And have you seen this before?

25 A. Yes.

1 Q. Okay. You see that there's a  
2 subsection called "YouTube"?

3 A. Yeah.

4 Q. Do you see that it says: YouTube is  
5 utilized as an instructional tool for HCPS  
6 students. YouTube is set to restricted mode on  
7 HCPS-issued devices and through the HCPS network.  
8 Restricted mode is set -- is a setting controlled  
9 by YouTube algorithms to hide potentially  
10 objectionable content. HCPS continues to monitor,  
11 evaluate and update YouTube settings to minimize  
12 access to inappropriate content.

13 Did I read that correctly?

14 A. Yes.

15 Q. Okay. Were you aware before today that  
16 that language was in the Parent-Student Handbook?

17 A. No.

18 Q. Did you at any point have a  
19 conversation with anyone in Harford County Public  
20 Schools that said, "I think that giving students  
21 access to YouTube is injecting poison; and,  
22 therefore, I think we should take this section out  
23 of the handbook, and YouTube should not be utilized  
24 as an instructional tool for HCPS students"?

25 A. No, and for good reason.

1 Q. What's the good reason?

2 A. So YouTube has recently, in recent  
3 years, completely changed to keep up with the other  
4 social media apps to create these short, quick  
5 videos. And the short, quick videos more so than  
6 the content is just really rewiring the brains of  
7 our children.

8 So there's plenty on YouTube that is  
9 not detrimental. But the things that the students  
10 for the most part are watching for recreation are  
11 the videos that are rewiring their brains.

12 The videos that teachers are showing  
13 are not those quick 30-second clips. They're more  
14 educational videos, I would assume, that are longer  
15 in length.

16 Q. Do you know that when teachers assign  
17 YouTube videos, that makes YouTube available to the  
18 students, and they can run their own queries on  
19 YouTube?

20 A. They can do that anyway.

21 Q. So do you think it's inconsistent for  
22 Harford County Public Schools to say that providing  
23 access or giving access to students is injecting  
24 poison and then turn around and have a YouTube  
25 channel, have teachers use YouTube, assign YouTube

1 for homework and give students access to YouTube on  
2 their devices and on the network -- do you see any  
3 inconsistency there?

4 MR. BYRD: Object to form.

5 THE WITNESS: Well, again, I think  
6 you've got a platform that has multiple uses, some  
7 of it detrimental, some of it not.

8 The goal of the school system is to use  
9 the part of the platform that is not detrimental  
10 while recognizing that there are detrimental sides  
11 to it. It's the same as buying a TV back in the  
12 day and not having the network on it where you  
13 could find pornography, but yet you still have the  
14 television. So if you then give access to the  
15 pornography, now you're a part of the problem.

16 So if we were to be sharing videos on  
17 YouTube with students that are part of this  
18 triggering problem, then that would be  
19 inconsistent. But I don't believe we're doing  
20 that.

21 BY MR. KEYES:

22 Q. And what inquiry have you made on that  
23 front?

24 A. I haven't made any because I wasn't  
25 aware we were doing it.

1 MR. KEYES: I have no further questions  
2 at this time. Thank you, Mr. Hennigan.

3 THE WITNESS: Thank you.

4 MR. BYRD: Other defendants? No?

5 A couple follow-ups. Do you guys have  
6 any more questions, then?

7 MR. FLASTER: I don't have any  
8 questions. Sorry. Thank you for that.

9 MR. BYRD: Okay. A couple of quick  
10 follow-ups.

11 \* \* \*

12 EXAMINATION

13 BY MR. BYRD:

14 Q. You were asked about this  
15 Parent-Student Handbook in here, right?

16 A. Yes.

17 Q. I mean, is there -- do you -- I mean,  
18 there's not a problem with kids -- I mean, kids  
19 aren't walking around getting on the Harford County  
20 School District Instagram and bullying each other,  
21 are they?

22 A. No. That's monitored.

23 MR. KEYES: Objection to form. Lack of  
24 foundation.

25 BY MR. BYRD:



1 Q. Huh?

2 A. That's monitored. And -- and anytime  
3 there's -- anybody puts content on there that's  
4 problematic, it gets taken down.

5 Q. I mean, the school district isn't  
6 body-shaming women, are they?

7 A. No.

8 Q. And -- I mean, counsel laughs, but, you  
9 know --

10 MR. KEYES: I hope the county is not  
11 body-shaming anyone --

12 MR. BYRD: Right.

13 MR. KEYES: -- of course.

14 BY MR. BYRD:

15 Q. The problem isn't people getting on the  
16 school's use of these apps, right?

17 A. Correct. The things that -- on there  
18 are going to be appropriate for viewing by the  
19 general public.

20 Q. If -- if the solution was as simply as  
21 these defendants could put -- with -- with the  
22 touch of a bunch of buttons and code, could just  
23 change the whole Harford School District system to  
24 where the access and spreading and -- and pushing  
25 of all this material that's leading to all this

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1 stuff wouldn't happen to kids that you're trying to  
2 teach, if it's as simple as just pushing a bunch of  
3 buttons, wouldn't you expect these defendants to do  
4 it?

5 A. I would hope so.

6 MR. KEYES: Objection to form. It  
7 calls for rampant speculation.

8 THE WITNESS: I -- well, it's a hard  
9 question to answer because they do know it, and  
10 they haven't done it, but --

11 BY MR. BYRD:

12 Q. Yeah.

13 A. -- it would be nice if somebody did  
14 something.

15 MR. BYRD: Okay. I think that's --  
16 that's all the questions I have.

17 THE VIDEOGRAPHER: Stand by. We are  
18 off the record.

19 MR. BYRD: Well, hold on, hold on, hold  
20 on. We -- we need to finish what -- put on the  
21 record, though, about what we're doing about  
22 redacting and all that. So --

23 MR. KEYES: Well, I think we've agreed  
24 that your team will keep the marked copy of  
25 Exhibit 3 --

1 MR. BYRD: Yeah.

2 MR. KEYES: -- the original. The court  
3 reporter will identify the section of the  
4 transcript where I first introduced the exhibit  
5 where I read from it up to the point where we took  
6 a break. She'll put that in a separate document so  
7 that part is redacted from the transcript, both the  
8 rough and the final that gets circulated to anyone.

9 MR. BYRD: Yeah.

10 MR. KEYES: And then the -- she'll hold  
11 the -- the redacted portion to the side until this  
12 issue is resolved either by agreement or with the  
13 court.

14 MR. BYRD: But it's going to need to be  
15 more than just your question, because prior to  
16 introducing that document and the question, you  
17 read from the document and said, "Have you ever  
18 said this? Have you ever said that?" You're  
19 reading from the protected document. That -- that  
20 section also needs to be clawed back.

21 You wouldn't have that document to be  
22 reading from it. So those sections also -- and  
23 that's why we need to go through it. Those will  
24 also need to be removed because you don't get to --

25 MR. KEYES: That's -- that's fine.

1 MR. BYRD: Yeah.

2 MR. KEYES: I'm happy to work with you  
3 to identify the portions, but I don't think we can  
4 do that right now.

5 MR. BYRD: No, no, no, no. But we will  
6 do that, understanding that those parts need to be  
7 clawed back to earlier.

8 And then we're going to look at the  
9 argument we have which -- about -- for 502(d),  
10 which I don't think is problematic, but we just  
11 want to double-check to make sure there isn't  
12 anything improper that we quoted in there that  
13 would be a problem that we might need to redact as  
14 well. And I think that's all it is.

15 I do -- you know, I'll give one more  
16 shot here on the record to -- to know if you have  
17 any 502(d) response for not flagging this document  
18 when y'all prepared for this.

19 MR. KEYES: I think we've already had a  
20 conversation in the hallway. We already had a  
21 prior exchange. I'm happy to follow up with you.  
22 I haven't even seen Ms. McNabb's email. We'll take  
23 steps to comply with the 502(d) order. I believe  
24 we're fully compliant right now, and we'll continue  
25 to comply.

1 MR. BYRD: Well, one of the compliances  
2 if -- is if people have copies here today that are  
3 on the other side, as well as whoever is helping  
4 put the documents up online, those need to be  
5 sequestered right away.

6 I would ask --

7 MR. KEYES: I already said --

8 MR. BYRD: Yeah. I know.

9 MR. KEYES: -- we have put it to the  
10 side --

11 MR. BYRD: Have we done it?

12 MR. KEYES: -- and we are sequestering  
13 it.

14 MR. BYRD: Have we done it? Or do you  
15 want --

16 MR. KEYES: Yes. Yes.

17 MR. BYRD: I would prefer --

18 MR. KEYES: I mean, at least in my  
19 case, I put it in a --

20 MR. BYRD: Well, I'd prefer --

21 MR. KEYES: -- a bright orange  
22 envelope.

23 MR. BYRD: -- that you all gather them  
24 all and hand them to me and then we will hold it  
25 here with this exhibit.

1 MR. KEYES: That's not what  
2 sequestering requires.

3 I'm not giving you documents that have  
4 my highlighting or my --

5 MR. BYRD: That's fair.

6 MR. KEYES: -- or my --

7 MR. BYRD: I don't want your work  
8 product.

9 MR. KEYES: -- or my writing or  
10 anything like that.

11 I'm telling you as an officer of the  
12 court we will sequester it. We will put it to the  
13 side. We will not look at it until we have  
14 follow-up discussion.

15 MR. BYRD: Well, it says you can  
16 destroy -- it says destroy or get rid of them  
17 and/or sequester.

18 I think sequestering is appropriate for  
19 anything you have notes on. I would destroy the  
20 other ones and then go through the proper process.

21 I'm just putting that on the record so  
22 you all know that.

23 And, frankly, I would transfer your  
24 notes somewhere else and then destroy those.

25 So I don't know if sequestration is --

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1 is enough, but look at your 502(d) order. All  
2 right?

3 MR. KEYES: Off the record.

4 THE VIDEOGRAPHER: Stand by.

5 We are off the record at 1357.

6 MR. BYRD: And what are the times,  
7 then?

8 THE VIDEOGRAPHER: Stand by.

9 MR. KEYES: Would you like a break  
10 before Part 2?

11 THE VIDEOGRAPHER: I need a little bit  
12 more math. All right.

13 So Mr. Keyes has been on the record  
14 for -- I just want to make sure.

15 MR. BYRD: That's all right. Take your  
16 time.

17 THE VIDEOGRAPHER: -- 2 hours and  
18 44 minutes.

19 And the other time where y'all were  
20 discussing the documents.

21 MR. BYRD: We were at 2, 39 before. So  
22 I find that hard to believe before lunch.

23 THE VIDEOGRAPHER: 3, 44.

24 MR. BYRD: 3, 44? Yeah.

25 THE VIDEOGRAPHER: So I'm adding things

1 in right now.

2 MR. BYRD: No problem.

3 THE REPORTER: I think the other ones  
4 would be 34 minutes.

5 MR. BYRD: Okay. And does the  
6 34 minutes include our back-and-forth on the  
7 502(d)?

8 THE VIDEOGRAPHER: Yes. That's what  
9 I'm talking about.

10 MR. BYRD: Okay.

11 THE VIDEOGRAPHER: Yeah.

12 MR. BYRD: So we've already taken out  
13 the time we talked about 502(d) from Mr. Keyes'  
14 time?

15 Okay. So 3 hours 44 minutes; is that  
16 right?

17 THE VIDEOGRAPHER: Yes.

18 MR. BYRD: Okay.

19 THE VIDEOGRAPHER: 3 hours --

20 THE REPORTER: I'm sorry. I can't hear  
21 you.

22 "3 hours"?

23 THE VIDEOGRAPHER: 3 hours and  
24 44 minutes total, fully, on the record.

25 And then minus what I just told you.



1 MR. BYRD: Minus the 34 minutes of my  
2 time?

3 THE VIDEOGRAPHER: Minus the  
4 34 minutes, yes.

5 MR. BYRD: Okay. Sounds like that  
6 means it's 3 hours and 10 minutes.

7 THE VIDEOGRAPHER: Sounds about right.

8 MR. BYRD: We'll double --

9 THE VIDEOGRAPHER: Sorry. I had to go  
10 back and forth.

11 MR. BYRD: That's all right.

12 THE VIDEOGRAPHER: It's on the sheet.  
13 It's just, you know, all the mental math.

14 MR. BYRD: We're just supposed to put  
15 it on the record, and that's fine.

16 THE VIDEOGRAPHER: Yeah, sorry.

17 MR. BYRD: And then we can check it  
18 later before tomorrow, but that's fine. Okay.

19 THE VIDEOGRAPHER: Right.

20 (WHEREUPON, the deposition was  
21 concluded at 2:01 p.m.)

22 (Signature Reserved.)  
23  
24  
25

DEPOSITION ERRATA SHEET

Case Caption: In Re: Social Media Adolescent  
Addition/Personal Injury Liability Litigation

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that  
I have read the entire transcript of my deposition  
taken in the captioned matter or the same has been  
read to me, and the same is true and accurate, save  
and except for changes and/or corrections, if any,  
as indicated by me on the DEPOSITION ERRATA SHEET  
hereof, with the understanding that I offer these  
changes as if still under oath.

Signed on the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
BERNARD HENNIGAN

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DEPOSITION ERRATA SHEET

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BERNARD HENNIGAN

CERTIFICATE OF REPORTER

I, Cindy A. Hayden, Registered Merit Reporter and Notary Public for the State of Maryland, do hereby certify:

That the foregoing deposition was taken before me on the date and at the time and location stated on Page 1 of this transcript; that the deponent was duly sworn to testify to the truth, the whole truth and nothing but the truth; that the testimony of the deponent and all objections made at the time of the examination were recorded stenographically by me and were thereafter transcribed; that the foregoing deposition as typed is a true, accurate and complete record of the testimony of the deponent and of all objections made at the time of the examination to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof. Witness my hand, this 8th of May, 2025.



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Cindy A. Hayden,  
Registered Merit Reporter  
Notary Public  
State of Maryland  
My Commission expires:  
April 26, 2029